

Calito
Regions
Facility







STACK ANNEX

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v. 1

mention of a great Prince, who was wont to say, He was an old experienced King, and to him belonged the Calling, Sitting, and Dissolving of Parliaments; and he publickly said (*I speak in his own phrase*) That he had broke the neck of Three Parliaments, yet at last he did comply with his last Parliament; and said, He saw he should be in love with Parliaments, having understood many things by them, which otherwise he should never have known.

Moreover here You will have in view a succeeding Prince, who also broke Three Parliaments, one after another, and how fatal that was to him succeeding times have abundantly declared. The Observation is not mine, but of much more ancient date, those Princes who did most consult with their People in Parliament, (*that being the Common Council of the Nation*) have most prospered in their courses, there being both Safety and Love gained from such Counsellors and Councils. And Parliaments in the nature of them, are good Physick to cure and redress the Diseases and Distempers of the Body Politick, which mostly grow and overflow in the Intervals of them; yet many think Parliaments are but an ill constant Dyet, which certainly moved Queen Elizabeth, of famous Memory, who was well acquainted with the Constitution of the Body of this Nation, to call Parliaments frequently, but to continue none very long. By this means she wrought her self into the good opinion of her People, and by becoming the Mistress of their Affections, she also became in some sort the Mistress of their Purses, which were always opened unto her upon the just and urgent occasions of the Nation; but the Help and Aid which comes from the People by strains, contrary to the Laws of the Nation, and Liberties

The Epistle Dedicatory.

Liberties of the People, being drawn from them through fear, wants the perfume of a willing Heart, and has no longer continuance then whilst the impression of that fear lasts. But few words are best to Princes; vouchsafe Your Highness Pardon to him who thus presumes to make so mean an Oblation at so high an Altar; Your good Acceptation will be the greatest Honor to it, and to

Your Highness

humblest and most

Obedient Servant

JOHN RUSHWORTH.

THE

THE
PREFACE.



Y Busineſs in this enſuing Work, is to render a faithful account of ſeveral Traverſes of State, and of the moſt important Paſſages in debate, between the reſpective Advocates for *Prerogative* and *Liberty*: the

Dispute was ominous and fatal, as being the Introduction, and that which gave the Alarm to a *Civil War*; a War, fierce, unnatural, and full of wonderful coincidences, both in the Cauſes and Conſequences of it, *Humanum eſt humanis caſibus ingemiſcere*. Therefore if I ſtudied to pleaſe my ſelf, and gratifie the inclination of my own temper and affection, you might peradventure hear from me, of the *Courage*, *Exploits*, and *Success* of my Countrey-men in *Forein Expeditions*, but not of their *Animosities* in *Domestiſtick Encounters*: Yet certainly of ſome uſe it may be to us, and of concernment alſo to thoſe that may come after us, *Infandum renovare dolorem*, to conſider indifferently how we came to fall out among our ſelves, and ſo to learn the true cauſes, the riſes and growths of our late *Miſeries*, the ſtrange Alterations and *Revolutions*; with the *Characters* of divers eminent Perſons, the Mutability of *Councils*, the Remarkable-
neſs

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ness of *Actions*, the Subtilty of *Pretentions*, the Drifts of *Interests*, the Secrets of *State*, and (which are the words of an Act of *Parliament*) the deportment of a Prince, *wisely dissimulating with his People*. From such premisses, the best Deduction which can be made, is, to look up to, and acknowledge *God*, who onely is unchangeable, and to admire his *Wisdom* and *Providence* even in *Humane Miscarriages*: For *Empires*, and *Kingdoms*, and *Commonwealths* every where in the *World* have their *Periods*, but the *Histories* thereof remain and live, for the *Instruction* of *Men*, and *Glory* of *God*.

I finde an Expression in *Sir Walter Raleighs* Preface to his *History of the World*, which seems to suit well with these *Collections*. I shall make so far bold with that *Memorable Person*, whose death bears a sad part in this *Story*, as to borrow his own words.

It is not the least debt (saith he) *which we ow unto History*, *that it hath made us acquainted with our dead Ancestors*, and *delivered us their Memory and Fame*: Besides, we gather out of it a *Policy* no less-wise than *Eternal*, by the *Comparison and Application* of other *Mens fore-passed Miseries*, with our own-like *Errors and ill-deservings*; but it is neither of *Examples* the most lively *Instructions*, nor the *Words* of the wisest *Men*, nor the *Terror* of future *Torments*, that hath yet so wrought in our blinde and stupified *Mind*, as to make us remember, *That the infinite Eye and Wisdom of God* doth so pierce through all our pretences, as to make us remember, *That the Justice of God* doth require no other accuser then our own *Consciences*.

And

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A And though it hath pleased God to reserve the art of reading mens thoughts to himself; yet as the Fruit tells the name of the Tree, so do the outward Works of men, so far as their Cogitations are acted, give us whereof to ghesse at the rest: No man can long continue masqued in a counterfeit behaviour; The things that are forced for pretences, having no ground of truth cannot long dissemble their own natures.

B And alibough Religion (saith he) and the truth thereof be in every mans mouth, what is it other then an universal dissimulation? We profess that we know God, but by works we deny him: Beatitudo non est divinatorum cognitio, sed vita divina. There is nothing more to be admired, nothing more to be lamented, then the private contention, the passionate dispute, the C personal hatred, &c. about Religion amongst Christians, insomuch as it hath well near driven the practice thereof out of the world: So that we are in effect (saith he) become Comedians in Religion; For, Charity, Justice, and Truth, have but their being in Terms D amongst us.

E In the close of his Preface, he adviseth the Reader to take heed how he follows Truth too close at the heels, lest it strike out his teeth. I hope this Story begins with a distance of time, not so far off, as the footsteps of Truth are worne out; nor yet so near, as the heels of it need to be feared. But this I am sure, That had I not gone so far back as I do, I had not reached the Fundamentals to the History of these Times. It hath been observed by F some, That most Historians speak too much, and say too little: I doubt others will think, I speak too little, and say too much. So it will be difficult to please all.

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I know very well, the *Collections* which I publish will receive no advantage nor commendation from the *Collector*: And that it may likewise receive no prejudice, I am as ready to confess, as any man in the world is to object, my wants and inabilities; which indeed to men of sober discourse, may render me unfit to be entertained in the Council, but not unqualified to be impanelled of the Jury: For I began early to take in *Characters*, Speeches and Passages at Conferences in Parliament, and from the Kings own mouth, when he spake to both the Houses; and have been upon the Stage continually, and an Eye and Ear-witness of the greatest Transactions; imployed as an Agent in, and intrusted with Affairs of weightiest concernment; Privy also both to the Debates in Parliament, and to the most secret Results of Councils of War, in times of Action. Which I mention without ostentation; only to qualifie me to report to Posterity, what will rather be their wonder at first, then their belief: It is pity they should altogether be deprived of the Advantages which they may reap from our Misfortunes. Hereafter they will hear, that every man almost in this Generation durst fight for what either was, or pretended to be Truth: They should also know that some durst write the Truth; whilst other mens Fancies were more busie then their hands, forging Relations, building and battering Castles in the Air; publishing Speeches as spoken in Parliament, which were never spoken there; printing Declarations, which were never passed; relating Battels which were never fought, and Victories which were never obtained; dispersing Letters, which were never writ by the Authors; together with

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with many such Contrivances, to abet a Party or Interest. *Pudet hæc opprobria.* Such practices, and the experience I had thereof, and the impossibility for any man in After-ages to ground a true History, by relying on the printed Pamphlets in our days, which passed the Press whilst it was without control, obliged me to all the pains and charge I have been at for many years together, to make a Great *Collection*; and whilst things were fresh in memory, to separate Truth from Falshood, things real from things fictitious or imaginary. Whereof I shall not at all repent, if I may but prove an ordinary Instrument to undeceive those that come after us.

If you demand why my *Collections* commence so early, and start at such a distance of time so remote, I must answer, That it was at first in my purpose to begin with the Parliament which met *Nov. 3. 1640.* But after I had perused, ordered, and compared my Printed and Manuscript-Relations of the First Year of that Parliament, I found they pointed at, and were bottomed upon some Actions of the late King, in dissolving four preceding Parliaments: And thereupon, the zeal I had to clear the truth of the Differences between the King and Parliament, forced me to a longer Adventure; especially seeing the Essay had been very imperfect, and but a meer fragment, if I had only writ the Death, and not the Life of a Prince, who, in the first Speech that ever he made in his first Parliament, did reflect upon some passages in a former Parliament, that advised his Father to break off the two Treaties with *Spain*, touching a Marriage, and Restitution of the *Palatinate*; and so engaged the Father in a War, which

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the Son was by him left to prosecute. And this Consideration put me upon a further enquiry concerning the aforesaid Treaties, the causes and grounds of the War in the *Palatinate*, and how far the same concerned *England*, and the oppressed Protestants in *Germany*: And finding those proceedings to have their rise in the Year 1618. (in which Year the *Blazing-Star* appeared) I resolved that very Instant should be the *Ne plus ultra* of my Retrospect.

I allow and accept it as a good *Memento*, which I meet with in a late Author; *That most Writers now adays appear in Publique, not crook-backed, (as it is reported of the Jews) but crook-sided, warped, and bowed to the right, or to the left.* For I have heartily studied to declare my self unbiassed, and to give an instance, That it is possible for an Ingenious man to be of a *Party*, and yet not *partial*. If any one engaged on the *King's* side, come forth in Print with the like moderation, fairness and indifference, without heat and personal reflections, our Posterity may be confident of a full discovery of Truth, which is every honest mans desire and expectation. And besides, the Vertues and Reasons of men concerned, may shine and give satisfaction even to those who are not of the same Judgment.

I pretend onely in this Work to a bare Narrative of matter of Fact, digested in order of time; not interposing my own Opinion, or interpretation of Actions. I infuse neither vinegar nor gall into my Ink: If I mention a Charge or Impeachment, it relates also to the Defence that was made by the Accused. And though in these latter times, Titles
Names,

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A Names and Dignities are altered, yet I use the Language of that Time of which I write, speaking as the then Parliaments spake, and not robbing any man of the Honor or Epithite which they then pleased to give him. If I speak of any transactions which I my self did not see or hear, I do so with all the caution imaginable, having first consulted Records, conferred with Persons of unquestionable esteem, interessed in the very actions, or perused their known hand-writings of those times; and
B where I make mention of any Letters or Passages scattered in print, I first well weighed the same, and out of whose Closets they came, and found many of them concredited before I inserted them.

C And lastly, where I doubted, I perfected my Intelligence by Foreign correspondencies, fetching my satisfaction in divers particulars, out of *Germany, Spain, and Italy*.

D Here you will have an intermixture of Secrets of State useful for States-men, and of matters of Law, which may be of some use, not only to the Professors of it, but to every Englishman; for though few profess the Law, yet all live by it; for it hedges in, and upholds the Rights, Liberties, and Properties: The matters of Law are not all bound up in one
E bundle, but you will finde them dispersed in interlocutory Speeches and Discourses; some of them in Historical Narrations; and lastly, in Polemical Debates and Arguments, taken by a Gentleman, then a young Student of the Law, which you will
F finde in an Appendix placed at the end of the Book; and I hope the Reader will not think his minutes ill bestowed in reading of them though out of place.

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A great part of the Work is filled up with remarkable Transactions in Parliament, and the Course and Proceedings thereof, wherein you will finde, not onely great wit and wisdom, but choice Eloquence, and excellent Orators, *Diggs, Wentworth, Phillips, Elliot, Glanville*, and others not much inferior to the Roman *Demagogue*. I durst not presume to contract them to an Epitomie or Abridgement, lest by essaying that, I might trespass too much upon the Soil of other mens Inventions and Judgements, or prejudice Truth, or the Persons, whose natural Off-springs they are. Here you have Debates, Siftings, and Consultations of each House apart; and also by Conferences each with other (*Alterius sic Altera poscit opem Domus & consultat amice*) and Resolutions of Parliaments, and some Laws which were the ultimate productions of these Councils and Debates.

I have but a word to say to my good and worthy Friends of the Army, and it must be by way of Apology, that this Treatise contains not what may be expected by them from me, the Relation of the Motions, Actions, and Atchievements of the Army, which I acknowledge was the first thing in my thoughts and intentions: But upon further consideration I thought it necessary to look somewhat backwards, that we may the better understand the Causes and Grounds which brought the late War upon us, before we set forth the Actions of the War. In the former we may see the vigilancy and care of our Ancestors to secure and uphold our Liberties and Properties, and to transmit the same, in as much purity as might be, to their Posterity, in the latter, which are the Actions of the

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the War, you shall see their Courage and Magnanimity, setting a higher value upon the Rights and Liberties of the Nation, then upon their own Lives.

A
to mention, and shall also have occasion to magnifie
for their perseverance in maintaining and defend-
ing those Laws and Liberties (so redeemed with
the price of their blood) against Arbitrary wayes
and courses ; how joyfull shall I be to employ my
Pen to Chronicle such of their Names to Posterity,
B
who justly merit that Character, as worthy of *Double Honor*.

In the second Part of my Collections (which
is to follow, according to the entertainment which
his findes abroad) I shall write with the more con-
C
fidence, because I did personally attend and ob-
serve all Occurrences of moment during the Eleven
years Interval of Parliament, in the *Star-Chamber*,
Court of Honor, and *Exchequer-Chamber*, when all
the Judges of *England* met there upon extraordina-
D
ry Cases ; at the Council Table, when great Causes
were heard before the King and Council : And
when matters were agitated at a greater distance, I
was there also, and went on purpose out of a curio-
sity to see and observe the passages at the Camp at
E
Berwick, at the Fight at *Newborn*, at the Treaty at
Rippon, at the great Council at *York*, and at the
meeting of the Long Parliament. The Observati-
ons I made during all the said time, shall be further
known, if I be encouraged to proceed, and that this
my *Forlorn* be not repelled and defeated.

F
Thus have I (good *Reader*) acquainted thee
in plain English, with the Lines and rude Draughts
of what hath been, and what is like to be, *multorum*
annorum

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annorum opus ; in which, as I never did approve, so neither could I perswade my self to tread in their Steps, who intermingle their Passion with their stories, and are not content to write of, unless they write also for a Party, or to serve an Interest; and so declare themselves far better *Advocates* then *Historians* : I profess, that in singleness of heart, I am at *truth*, which to me has alwayes seemed hugely amiable, even without the tires and advantages of Wit and Eloquence : And therefore, in order to my greatest purpose, I have esteemed the most unaffected and familiar Stile the best ; *Altum alii teneant*. And so irresistible is the force of Truth, and the Divine Providence so great, that howsoever all possible diligence may have been used to carry things in secret, and to act by colourable Pretences (men often acting like Tumblers that are squint-eyed, looking one way, and aiming another) Yet hath God in these our dayes brought to light such Secrets of State, such private Consultations, such strange Contrivances (discovered by Letters, Papers, and Cabinet-memorials seised on in time of the War) as otherwise probably, neither we nor our Posterity should have ever known. I conclude with the learned Spaniards opinion : *Satis est Historiæ, si sit vera; quæ ut reliqua habeat omnia, si veritatem non habet, obtinere nomen suum non potest.*

J. RUSHWORTHE.

A

B

Τὸ Σύνταγμα πρὸς τὸν Τυχόνα.

C

Βρεττανῶν τὰ δίκαια λέγω, Παιδά τε, νόοντε,
πρήξεις, καὶ πάσης πρήξι. ὅλα χέρον·

"Ομμασιν εἰς με βλέπων χαλεποῖς, ἀέκοντί τε θυμῷ,
αὐτὲς μὲν πολλοῖς, ῥοὶ δὲ καὶ ἐξ ἐχθροῖοι.

(h. e.)

D

*Anglorum leges, Suadam, consulta Senatus,
ausaque, cuncta loquor, tempore quæque suo.
Excipis adverso si pectore, & ore maligno,
pluribus invidas Zoile, nemo tibi.*

E

F

The Printer to the Reader.

BEing obliged to get this Book finished against the ensuing Term, I was constrained to make more haste then ordinary; so that possibly some Faults have escap'd, which I request the Courteous Reader to Pardon and Amend as they shall be met with.

V A L E.

Historical Collections.



He grand business of State in the latter times of King *James*, was the Spanish Match, which had the Kings heart in it, over-ruled all his Counsels, and had a mighty influence upon the Universal State of *Christianity*: This King affecting the name of a King of Peace, and Peacemaker, as his chief glory, had designed, what in him lay, the settling of a general Peace in *Europe*, and the reconciling of all Parties; and professed, that if the Papists would leave their *King-killing*, and

King *James* much desired to match his Son *Henry* with a daughter of *Spain*.

some other grosser Errors, he was willing to meet them half way; moreover, he was ever zealous for the honor and height of regal Majesty, and to maintain the glory of it in his Successors; 'twas his chief desire and care to match his Son with some Princess of most high descent, though of a different Religion.

There had been a Treaty of Marriage between the late Prince *Henry* and a Daughter of *Spain*, which on the Spaniards part was found a meer Complement, carried on by the accustomed gravity and formality of that Nation. For *Cecil* Earl of *Salisbury*, the great States-man of that time, pursued and drove the matter to that point, that the Duke of *Lerma*, finding no evasion, disclaimed the being of a Marriage Treaty. Nevertheless the Spanish Ambassador, to acquit himself to this State, and to clear his own honesty, at a full Council produced his Commission, together with his Letters of Instruction given under the Duke's hand: Such manner of dealing might have been sufficient Cause of just Indignation against any future motion of this Alliance.

After Prince *Henry's* death the King propounded a match with *France*.

After death of Prince *Henry*, the King set his thoughts upon a Daughter of *Henry* the Fourth, late King of *France*, as the fittest Match for Prince *Charles*, and by Sir *Thomas Edmonds* his Legier Ambassador, endeavored to know the minde of that State, but could not discern their affections, and was not willing to discover his own: At length taking occasion to send the Lord *Hayes* Extraordinary Ambassador to the French King, to Congratulate his Marriage with *Anne* the Infanta of *Spain*, he resolved to make a thorow Trial: The matter was put forth, and in appearance well taken, but proved of no effect. For the Duke of *Savoy* was before-hand, and prevailed for his Son the Prince of *Piedmont*.

During this Negotiation of Alliance with *France*, the Duke of *Lerma* frequently intimated unto Sir *John Digby* Ambassador, Resident in *Spain*, an extraordinary desire in the King his Master, not onely to maintain Peace and Amity with the King of great *Britain*, but to lay hold on all means that might be offered for the nearer uniting of their Majesties, and

In this interim the Spaniard gives the overture of a match.

In. 1618.

their Crowns; as also a disposition in this regard, to match his second Daughter to the Prince of *Wales*: The Ambassador replied, that His Majesty had little reason to give ear to this overture, having not long since, in the Treaty for the late Prince, received such an unexpected Answer, and Demands so improper and unworthy; and that there needed more then ordinary assurance, to induce him to believe that there was now so great a change, and the match desired in good earnest, and not propounded meerly to divert the match with *France*: wherefore he expected the proposal of such terms of advantage and certainty, as might gain a belief of their sincere Intentions: *Lerma* promised a further Conference. But by reason of a strong report that the Match with *France* was absolutely concluded, and within few dayes to be published, the business lay asleep, until Sir *John Digby*, going for *England*, was desired by the Duke to give him notice of the state of this Affair: From hence *Digby* gives him to understand, that there was no cause of despair concerning this new overture, unless the difficulty of the Conditions should make it desperate; but if the Demands in point of Religion were no more then what would satisfie another Catholick Prince, and to which his Majesty might yeild with Honor, he knows that divers persons, not of the meanest power, were well inclined, and ready to give their helping hand: He said further, that it were much better not to revive this motion, then by impossible and unfitting Propositions from either side, to give distaste, and lessen the Friendship between the two Crowns. The Duke returned answer, that all assurance and satisfaction shall be given concerning this Alliance: And after Sir *John Digby's* arrival at the Court of *Spain*, he protested to him solemnly, that the King desired it, and swore for himself, that he desired nothing more: Hereupon *Digby* debated with him, That the remembrance of their former Demands was yet unpleasing in *England*; the difference of Religion, the Opinions of Divines, and the Cases of Conscience were still the same; insomuch, that his Majesty and his Servants had just cause to cease for ever from all thoughts this way. Nevertheless, they did not slight nor disrelish an Alliance with *Spain*; for many of the greatest eminency in *England* judge it equally valuable with any other of *Christendom*, though it be esteemed a matter of infinite difficulty. Here the subtil Spaniard might perceive our forwardness, though our Ambassador seemed to speak aloof off, and with reservation. The debate had this result, that the difficulties should be digested into certain Heads, and select Persons appointed for Conference; but the Intent thereof was, that the Kings on either side should not be interested, nor their names therein used, till by the clearing of particulars, there should be great appearances that the business would take effect: Now because the difference of Religion, was supposed the onely difficulty of moment, it was thought fit to break the matter to the Cardinal of *Toledo*, and the Kings Confessor, and one Father *Frederick* a learned Jesuite, having the repute of a Moderate man.

Sir *John Digby* advised the King in that matter.

Upon the review of these proceedings, Sir *John Digby* advised the King not to suffer his other resolutions to be interrupted by this Overture, which might be set on foot as a meer device to stagger the French Treaty, and to keep his Majesty from declaring himself opposite to *Spain* in the business of *Cleves* and *Juliers*, which still remained uncompounded; nevertheless, he might be pleased for a while to suspend the conclusion of the Match with *France*, and entertain this motion; and to this

this end he desired from him not a formal Commission to treat, but onely a private Instruction for his Direction and Warrant.

16 Jacobi.

Gondomar manages the Treaty on the Spaniards part.

A Such remote Conferences made way for that solemn slow-paced Treaty of the many years following, wherein the advantage lay on the Spaniards side, who were indeed very formal and specious in it, but no way vehement and vigorous, if we might suppose them in any sort real: But the King of *England* having a prevalent inclination this way, when he was once drawn in and elevated with hope, was so set upon it, that he would grant all things possible, rather then break it off, and was impatient of dissembling his own eagerness: The business was mainly carried on by *Conde Gondomar*, who was exquisitely framed for it, and by facetious wayes, taking the King in his own humor, prevailed mightily.

B The King removes all blocks that lie in the way of this Darling Design, and studies all the wayes of rendring himself acceptable to *Spain*.

The English Navie neglected.

C The Wall of this Island the English Navy, once the strongest of all Christendome, now lyes at road unarmed, and fit for ruine: *Gondomar* [as was the common voice] bearing the King in hand, that the furnishing of it would breed suspicion in the King his Master, and avert his minde from this alliance: Moreover the Town of *Flushing*, the Castle of *Ramakers* in *Zealand*, and *Brill* in *Holland*, which were held by way of caution from the united Provinces, to insure their dependency upon *England*, the King resolved to render up, as being meerly cautionary, and none of his Propriety: He rid his hands of those places to prevent requests and Propositions from the King of *Spain*, who claimed the propriety in them, and *Gondomar* put hard for them, being accounted the Keys of the Low Countries: Such was the Kings care and contrivance to keep faith with those Confederates, and not offend *Spain*: And to render this a politick action, it was urged that the advantage of those Holds was countervailed by the vast expence in keeping them. Howbeit the power of the English Interest in that State was by this means cut off, and taken away; and the alienation between King *James* and the United Provinces, which appeared in latter times, and was nourished by *Bernevelt* the head of the *Arminian* Faction, and a Pensioner of *Spain*, is now increased by the discovery and observation of these late Spanish compliances.

The Cautionary Towns rendered to the Hollander.

E But the King of *Spain* and his Ministers had given but slender proof of any great affection, yea or of sincere intention and upright dealing in this great affair. For Sir *John Digby* received certain Articles in matter of Religion after a Consultation had with their Divines, which appeared very unworthy, and were utterly rejected by him: Yet afterwards upon a private Conference between him, and some others to whom the cause had been committed, a Qualification was therein conceived, though not delivered as a matter there approved. And the same Speeches after his return into *England*, proceeded between him and *Gondomar*, and were brought to that Issue, that the King thought fit to acquaint a select number of his Council therewith, who having heard the report of the former proceeding, delivered their opinion, That they found very probable ground for him to enter into a publike Treaty, with as much assurance of good success as in such a case might be expected; whereupon Sir *John Digby* by Commission under the Great Seal, was authorized to treat and conclude the Marriage; and because

The Spaniard proceeds not sincerely in the Treaty.

A.D. 1618.

Articles of
Religion agreed upon
between the
Kings of Eng-
land and
Spain.

the matter of Religion was in chief debate, those qualified Articles that were brought out of *Spain* were sent back signed with the Kings hand, who added something to them by way of clearer explanation: They were to this effect:

THat the Popes Dispensation be first obtained by the meer Act of the King of Spain.

That the Children of this Marriage be not constrained in matter of Religion, nor their Title prejudiced in case they prove Catholikes.

That the Infanta's Family being Strangers may be Catholikes, and shall have a decent place appointed for all Divine Service according to the use of the Church of Rome; and the Ecclesiasticks and Religious persons may wear their proper Habits.

That the Marriage shall be celebrated in Spain by a Procurator according to the Instructions of the Council of Trent; and after the Infanta's arrival in England, such a solemnization shall be used, as may make the Marriage valid, according to the Laws of this Kingdom.

That she shall have a competent number of Chaplains, and a Confessor, being Strangers, one whereof shall have power to govern the Family in Religious matters.

In the allowing of these Articles, the King thus exprest himself: "Seeing this Marriage is to be with a Lady of a different Religion from us, it becometh us to be tender, as on the one part to give them all satisfaction convenient; so on the other to admit nothing that may blemish our Conscience, or detract from the Religion here established."

The people of
England avert
from the
match: The
Catholicks de-
nious of it.

The People of *England* having yet in memory the intended Cruelty of 88. and hating the Popish Religion, generally loathed this Match, and would have bought it off at the dearest rate, and what they durst, opposed it by speeches, counsels, wishes, prayers; but if any one spake lowder then his fellows, he was soon put to silence, disgrac'd, and cross'd in Court-preferments; when as in *Spain* and *Flanders*, Books were penned, and Pictures printed to disgrace the King and State: For which the English Ambassadors sought satisfaction, but in vain: The Roman Catholicks desired the Match above measure, hoping for a moderation of Fines and Laws, perhaps a Toleration, yea, a total Restauration of their Religion; for they gained more and more Indulgence by the long-spun Treaty: The Articles of Religion were long hammered upon the Spanish Anvil, enlarged and multiplied by new Demands without end.

Gondomar con-
trives the
death of Sir
Walter Raw-
leigh an ene-
my to Spain.

The *Conde Gondomar*, an active subtil Instrument to serve his Masters ends, neglected no occasion tending thereunto, which he mainly shewed in the particular of Sir *Walter Rawleigh*, wherein he put forth all his Strength to destroy him, being one of the last Sea-Commanders then living, bred under Queen *Elizabeth*, and by her flesh'd in Spanish blood and ruin. He did first under-work his Voyage to *Guicenna*, which seemed to threaten loss and danger to the spreading power of *Spain* in the *West-Indies*, and after his return with misfortune, he pursued him to death. In the beginning of the Kings Reign, this Gentleman, with others, was arraigned and condemned for Treason; 'twas a dark kinde of Treason, and the veil is still upon it. The King had ground enough to shew mercy, which some of that condemned party obtained. After many

years

years imprisonment, Sir *Walter Rawleigh*, desirous of liberty and action, propounded an *American* voyage upon the assurance of gaining a Mine of Gold in *Guiana*. The King hearkned to him, and gave him power to set forth Ships and Men for that Service, but commanded him upon his Allegiance, to give under his hand, the number of his Men, the burden and strength of his Ships, together with the Country and River which he was to enter. All this was done, and came so timely to *Gondomar's* knowledge, that Advertisement was sent to *Spain*, and thence to the *Indies*, before this *English Fleet* departed out of the *Thames*. The Action proved unfortunate, and the Mine was inaccessible; the *Spaniards* at *St. Thomas* opposed their passage up the River, and this engaged them to assault the Town, which they took, sacked and burnt. *Gondomar* hereat incensed, with a violent importunity demanded the reparation of this wrong: And the *Spanish Faction* urged, that this irruption might make a breach both of the Match and Peace with *Spain*. The Kings fears kindled his wrath; he disavowed the Action, and to prevent the like for the future, put forth a severe Proclamation. Hereupon the storm of Passion ceased, and *Rawleigh* knowing nothing but that he might appear in *England* with safety, put in at *Plimouth*, and was no sooner landed, but by secret intimation, understanding his danger, sought to escape beyond Sea, but was taken in the attempt, brought to *London*, and recommitted to the *Tower*; and at length his life was offered up a *Sacrifice* for *Spain*, but not upon such grounds as the Ambassador had designed; for he desired a Judgment upon the pretended breach of Peace, that by this occasion he might slyly gain from the *English* an acknowledgment of his Masters right in those places, and hereafter both stop their mouths, and quench their heat and valor. But the late voyage was not brought in question, onely his former *Condemnation* was revived; his *Araignment* at *Winchester* many years before was now laid open, and he at the *Kings Bench* demanded, why Execution should not be done upon him according to the Sentence therein pronounced. *Rawleigh* answered, "That the Kings late Commission gave him a new life and vigor: For he that hath power over the lives of others, ought to be Master of his own. This Plea was not accepted, but the former Judgment took place, and accordingly he lost his Head upon a Scaffold erected in the *Old Pallace* at *Westminster*.

Whilest *Spain* and *England* were thus closing, the fire brake out in *Germany* between the States and Princes *Protestant*, and the House of *Austria*: These commotions involved and drew along the affairs of most Christian Princes, especially of the two *Potent Kings* now in Treaty. The *Catholick Cause*, and the Lot of the House of *Austria*, engaged the King of *Spain* who was the strongest Branch of that Stock. King *JAMES* must needs be drawn in, both by common and particular Interest; the Religion which he professed, and the State of his Son in Law the *Electors Palatine*, who became the principal part in those Wars, and the most unfortunate. It was an high business to the whole Christian World, and the issue of it had main dependence upon the King of *England*, being the Mightiest Prince of the *Protestant Profession*: But this Kings proceedings were wholly governed by the unhappy *Spanish Treaty*.

A War begins in Germany.

Both parties, Protestant and Catholicks, grew jealous, and each enter into League.

The clouds gather thick in the *German skie*; jealousies and discontents arise between the *Catholicks*, and the *Evangelicks*, or *Lutherans* of the Confession of *Ausburge*. Both parties draw into Confederacies, and hold Assemblies; the one seeking by the advantage of power to incroach and

An. 1618.

The Emperor
Matthias Ad-
opts his Cou-
sin-German
Ferdinand.

For one of this
Adoption, the
Catholicks
keep a Jubilee
and the Pro-
testants an-
other in me-
mory of Lu-
ther.

An Assembly
of the Prote-
stants and
States of Bohe-
mia at Prague.

The first occa-
sion of the
troubles of
Bohemia.

and get ground, the other to stand their ground, and hold their own. The potency of the House of *Austria*, a House devoted to the Persecution of the Reformed Religion, became formidable. The old Emperor *Matthias* declared his Cousin German the Archduke *Ferdinand* to be his adopted Son and Successor, and caused him to be chosen and crowned King of *Bohemia* and *Hungary*, yet reserving to himself the sole exercise of Kingly power during his life.

The *Jesuits* triumph in their hopes of King *Ferdinand*; the Pope exhorted the Catholicks to keep a day of Jubilee, and to implore aid of God for the Churches high occasions. To answer this Festival, the Elector of *Saxony* called to minde, that it was when the Hundreth year compleat since *Martin Luther* opposed the Popes Indulgences, which was the first beginning of Protestant Reformation. Whereupon he ordained a *Solemn Feast* of three days for Thanksgiving, and for Prayer to God, to maintain in peace the purity of the Word, and the right administration of the Sacraments. The Professors of the Universities of *Lipsick* and *Wittemberg*, the Imperial Towns of *Franckford*, *Worms*, and *Noremburg*, yea, the *Calvinists* also observed the same days of Jubilee against the *Romish Church*; and much Gold and Silver was cast abroad in memory of *Luther*, whom they called *Blessed*.

In these times the Emperor wrote Letters, both to the Elector *Palatine*, and to the Protestant Provinces, and States of the Empire then assembled at *Hilbrun*, advising them to acquiesce in what was done touching the designation of his adopted Son to the Empire, to observe the *Golden Bull*, (the *Magna Charta* of the Empire) and the matter of it concerning the Electoral Bonds, and to dissolve their League. The Protestants in their Answer acknowledged the good will of the Emperor their Cheif, and shewed that the Catholicks had oppressed them contrary to the Pacification; and having sought Redress in vain, they were compelled to use means of preserving Publick Tranquillity according to the Laws. That their *League* and *Union* consisting onely of Protestant *Germans*, was a known practice in the Empire, and not against the *Golden Bull*, and tended not to a separation from his Imperial Majestie; but the Catholicks made their League with strangers, and declared a stranger cheif over them.

The Count of *Thurne*, and other Defenders Evangelick, with the Estates of *Bohemia*, assembled at *Prague* to advise of publick safety, and conservation of priviledges. The Emperor required his Council held at the Castle of *Prague*, to oppose and hinder this Assembly, which he said was called to raise Sedition, and to plot against his person and Government. Nevertheless in all their publick worship the *Evangelicks* prayed to God to confound the Emperors enemies, and to grant him long to live and reign over them in Peace and Justice.

The *Bohemian* troubles took their first rise from the breach of the Edict of Peace concerning Religion, and the Accord made by the Emperor *Rodolph*, whereby the Protestants retained the free exercise of their Religion, enjoyed their Temples, Colledges, Tithes, Patronages, places of Burial, and the like, and had liberty to build new Temples, and power to chuse Defenders to secure those Rights, and to regulate what should be of service in their Churches. Now the stop of building certain Churches on Lands within the Lordships of the Catholick Clergy, (in which places the Evangelicks conceived a Right to build) was the special grievance and cause of Breach.

On

On the Twenty third of May, the cheif of the Evangelicks went armed into the Castle of *Prague*, entred the Council Chamber, and opened their Grievances, but intraged by opposition, threw *Slabata* the Cheif Justice, and *Smesansius* one of the Council, and *Fabritius* the Secretary, from an high Window into the Castle Ditch; others of the Council temporising in this Tumult, and seeming to accord with their demands, were peaceably conducted to their own houses. Hereupon the Assembly took advice to settle the Towns and Castle of *Prague* with new Guards; likewise to appease the people, and to take an Oath of Fidelity. They chose *Directors*, Governors and Counsellors Provincial to govern affairs of State, and to consult of raising forces against the enemies of God, and the King, and the Edicts of his Imperial Majesty. They banished the *Jesuits* throughout all *Bohemia*: Moreover to defend their own cause, and to give an accompt of their late proceedings, and present posture, a *Declaration* was drawn up and sent with Letters to the Estates of *Moravia*, *Silesia*, and *Lusatia*, and to all the Princes and States, their Allies, throughout the Empire, with request of aid in case of need. They declare to this effect.

16 *Jacobus*.
A River con-
tributed by the
Protestants to
the Castle of
Prague.

That they had endured infinite Injuries and Afflictions, by certain Officers, Ecclesiastick and Civil, and by the Jesuits above all others, who sought to bring them under the yoke of Popery, rebiled them with the names of Hereticks, heaved them out of places of Dignity, provoked the Magistrates to pursue them with fire and Sword: That their Ministers were banished, and their Charges given to Roman Catholics. The Senators of *Prague*, who were Evangelicks, were evil-intreated, and divers persons persecuted for Religion, under pretence of Civil Offences. And whereas in case of difference touching the Agreement and Edict of Peace, the Estates of both parties were to hear and judge; their Enemies procured Commands from the Emperor to bear them down before a due hearing: Their lawful Meetings to advise and seek redress, were declared to be manifest Sedition and Rebellion, and themselves threatened with loss of estates and lives.

The Protestants put forth a Declaration.

This Declaration they sent likewise to the Emperor, with a submissive Letter, asserting their own Fidelity, and praying for the removal of those evil Counsellors that threaten so much danger to his Majesty, and his Kingdoms. The Emperor herewith was no way pacified, but charged them with an evil design, required them to lay down Arms, and to make no more Levies, but to live in peace as becometh faithful Subjects: Upon which terms, he promised to disband his own Soldiers, to forgive what was past, and to protect all that will obey him.

The Emperor disgusted with the Declaration.

This prevailed nothing, but the breach grows wider. The Emperor published a *Manifesto* in Answer to the Apology of the *Bohemian* States, and wrote Letters to the Electors, Princes, and States of the Empire, with high Aggravations of the violence offered at *Prague* to his principal Officers, against Divine and Humane Rights, the Constitutions of the Kingdom, and the Customs of all Nations, without hearing, without summoning, without any form of *Proces*, yea, without giving a moment of time to Repent, or make Confession, or receive the Sacrament, which is never denied to the worst offenders.

He publishes a Manifesto.

An. 1618.

Both Parties
Arm.

Forthwith a pernicious War, and all confusion breaks out. The Emperor raised forces under the conduct of divers Commanders, of whom the chief were Count *de Buquoy*, and Count *de Ampiere*. The Evangelicks raised two Armies under Count *de Thurne*, and Count *Mansfeld*. *Moravia*, *Silesia*, and *Lusatia*, with all the Estates Protestant, *Germans* and Neighbors of *Bohemia*, (very few excepted) assist the Evangelicks with Counsel, Men, and Money: Likewise the Prince of *Orange*, and the States of the *United Provinces* promised to aid them with their forces. The Electors and Princes Protestant favoring the *Bohemians*, whose Countrey the Imperialists destroy with Fire and Sword, perswade the Emperor to stop the rage of Civil War; the success whereof is doubtful, and the end ever miserable. The Emperor propounded an Arbitration of these differences by the Elector of *Mentz*, and the Duke of *Bavaria*, Princes Catholicks, and by the Electors *Palatine*, and of *Saxony*, Princes Protestants, and *Pilsen* should be the place of Treaty: The Evangelicks consent to the Arbitration, but dislike the place, where the people were wholly Catholicks, and followed the Emperors party; besides the *Directors* had designed the besieging of it. New Actions of War made the overtures of peace more difficult: Several Armies were now raising throughout *Bohemia*, and the Neighboring Provinces: As yet the Elector of *Saxony* stood Neutral; the Duke of *Bavaria* cast in his lot with the Emperor, whose estate was then every where imbroiled.

A Comet ap-
pears at this
time.

At this time there appeared a Comet which gave occasion of much discourse to all sorts of men; among others a Learned Knight, our Countreyman confidently and boldly affirmed, [*That such persons were but abusers, and did but flatter greatness, who gave their verdict, that that Comet was effectual, as some would have it, or signal, as others judge it, onely to Africa; whereby they laid it far enough from England: When this Knight out of the consideration of the space of the Zodiack which this Comet measured, the inclination of his Sword and Blade, and to what place both the head and tail became Vertical, together with other secrets.*] Said, That not onely all Europe, to the elevation of Fifty two degrees, was liable to its threatenings, but England especially; yea, That person besides, in whose fortune we are all no less embarked, then the Passenger with the Ship is in the Pilot that guideth the same; the truth whereof, said he, a few years will manifest to all men.

And it was observed by Dr. *Bainbridge*, a famous Astronomer, that toward the Declination of it, the Eleventh of *December* it past over *London* in the morning, and so hasted more Northwards, even as far as the *Orcades*.

King James
images not in
these troubles,
flattering him-
self with the
Spaniards
seeming for-
wardness to
effect the
Match.

Amidst these distractions, the House of *Austria* made no small improvement of their interest in the King of Great *Brittain*, who in the hot pursuit of the *Spanish Match*, was earnest to oblige them. And the *Spaniards* made shew, that on their part nothing under Heaven was more desired then this Alliance; and in their Discourses magnified the King, Queen, and Prince of *England*. For the state of their Affairs did press them hard, if not to close really, yet at least to fain a pressing towards it. For the *French* administred cause of discontent; the Truce with the *United Provinces* was near expiring; but above all they took to heart the *Bohemian War*, and resolved to set the main stock upon it: Wherefore the King of *Spain* gave commandment, that his Treasure should be gathered together for the *Infanta's* vast portion, being no less then Two Millions, and gave hopes of the payment of half a Million beforehand,

as was desired, and with himself all Dispatches seemed to pass freely. But his Ministers gave not the same satisfaction, and proceeded so slackly in the business, that they were suspected either not to intend it at all, or not so soon as was pretended: Besides, the wiser here observed and repined, that all difficulties, hazards, and odious passages, must rest on the English side, which Spain did little value. That King James did that to gratifie the Spaniard, which rendred him disgusted by his Subjects; but if Favor were granted to any Subject of his by the King of Spain, it was not without design to engage him in his own Service. Which resentments may be collected from a Letter written by a great Minister of State, to Mr. Cottington, his Majesties then Agent in Spain; which for clearer satisfaction you have here at large.

Good Mr. Cottington, I doubt not but that before these come to your hands, you will have heard of the Receipt of all your former Letters: These are in answer of your last of the Eighth of October, wherein you advertise of the arrival of the Conde Gondomar, at Lerma, and of his entertainment by that Duke. It seemeth unto us here in England, that he hath gone but very slowly in his journey; and divers (seeing how long time he hath spent in the way) do make conjecture, That it proceedeth from the small affection that he judgeth to be there, towards the effecting of the main business; saying, If the Ambassador were assured that his Master did so really desire the speedy effecting thereof, as is pretended, he would have made more haste homeward; and that it hath not been sincerely intended, but meerly used by that State as an amuzement to entertain and busie his Majesty withal, and for the gaining of time for their own ends: And this is muttered here by very many, but I hope we shall ere long receive such an account from thence of their proceedings, as will give sufficient satisfaction. For my own part, I must confess I am yet well perswaded of their intentions; for if there be either Honor, Religion, or Moral honesty in them, the Protestations and Professions which I have so often heard them make, and you likewise daily advertise hither, are sufficient to perswade a man that will not judge them worse then Infidels, to expect sincere dealing in the business; and whensoever I shall perceive that they go about to do otherwise, I must confess my self to have been deceived, as I shall ever be on the like terms, while I deal with inmost care; but withal, I shall judge them the most unworthy and perfidious people of the World, and the more, for that his Majesty hath given them so many testimonies of his sincere intentions toward them, which he daily continueth, as now of late, by the causing Sir Walter Rawleigh to be put to death, chiefly for the giving them satisfaction; whereof his Majesty commanded me to advertise you, and concerning whom, you shall by the next receive a Declaration, shewing the Motives which induced his Majesty to recal his mercy, through which he had lived these many years a condemned man. In the meantime, I think it fit, that to the Duke of Lerma, the Confessor, and the Secretary of State, you do represent his Majesties real manner of proceeding with that King and State; and how for the advancing of the great business, he hath endeavored to satisfy them in all things, letting them see how in many actions of late of that nature, his Majesty hath strained upon the affections of his people, and especially in this last concerning Sir Walter Rawleigh, who died with a great deal of courage and constancy; and at his death moved the common sort of people to much remorse, who all attributed his death to the desire his Majesty had to satisfy Spain.

Further, you may let them know how able a man Sir Walter Rawleigh was to have done his Majesty service, if he should have been pleased to employ him;

A Letter from a great Minister of State to Mr. Cottington.

An. 1618.

him; yet to give them content, he hath not spared him, when by preserving him, he might have given great satisfaction to his Subjects, and had at command, upon all occasions as useful a man as served any Prince in Christendom; and on the contrary, the King of Spain is not pleased to do any thing which may be so inconvenient unto him, as to lessen the affections of his people, or to procure so much as murmuring or distractions amongst them: And therefore it is to be expected, that on his part, they answer his Majesty at least with sincere and real proceeding, since that is all they are put to, the difficulties and hazards being indeed on his Majesties side. And truly, I should think it fit, that not by way of commination, but as it were out of zeal to the Peace and Amity betwixt these two Crowns, you did intimate to the Duke and the other Ministers, how impossible you held it to have peace long continued betwixt their Majesties; if in this business wherein so much hath been professed, there should be found any indirectness. But herein you must be cautious and temperate; for as on the one side, you and I well know, that this stile most persuades with them, so on the other side, the decency and buen termine that is to be observed betwixt great Princes, will hardly admit of Threats or Revenge for a Wooing Language; but this I know falleth into so discreet a hand, that I little fear the handsome carriage of it. And I hope, that before these Letters arrive with you, we shall hear from you, in such a stile, that this advice of mine shall be of no use. I pray you be very earnest with the Conde Gondomar, that he will not forget to negotiate the liberty of Mr. Mole, for whom I hope (now my Lord Rois is dead) for that which you and I know, it will not be so difficult to prevail. You may put him in minde how when Father Baldwills liberty was granted unto him, although he could not absolutely promise Mr. Moles release, yet he then faithfully protested he would use the mediation of the Duke of Lerma, and of the Kings Confessor, and of that King if need were; and that he would try the best friends he had for the procurement of his enlargement, wherein you may desire him to deal effectually, for that there is great expectation that he should proceed honorably and really therein. I my self likewise will use all the means I can for his relief; for it is a thing which is very much desired here, and would give a great deal of satisfaction.

As touching Ofulivare, it is very fit that you let them know, that the report of the honor they did him, hath come unto his Majesties ears, and that although they will allege, that in the time of Hostility betwixt England and Spain, it may be he did them many services, and may then have deserved well at their hands; for which they have just cause to reward him: Yet since by his Majesties happy coming to these Crowns, those differences have had an end, and that there is a perfect League and Amity betwixt them, his Majesty cannot chuse but dislike that they should bestow upon him any title or dignity, which onely or properly belongeth unto him towards his own Subjects; that therefore he would be glad that they would forbear to confer any such titular Honors upon any of his Subjects without his Privy. This you shall do well to insist upon, so that they may understand that his Majesty is very sensible, that they should endeavor to make the Irish have any kinde of dependence on that State.

Nov. 17.
Queen Anne
dieth.

Queen Anne died this year at Hampton Court, and was thence brought to her Palace at Denmark-house in the Strand: The common people who were great Admirers of Princes, were of opinion, that the Blazing-Star rather be-tokened the Death of that Queen, than that Cruel and Bloody War which shortly after hapned in Bohemia, and other parts of Germany.

17 Jacobi.
1619.

Matthias the
Emperor
dies.

A Cessation of
Arms propo-
sed by Ferdi-
nand is re-
fused.

King James
interposes by
his Ambassa-
dor the Vis-
count Donca-
stier.

The Elector
Palatine sends
an Ambassa-
dor to oppose
the Election
of Ferdinand.
The Bohemi-
ans chuse the
Palatine for
their King.

IN the beginning of the year One thousand six hundred and nineteen, the Emperor *Matthias* died; but immediately before his death, to engage Persons of Honor in the Service of the Empire, he instituted Knights of several Orders for the defence of the Catholick Religion; who were bound by Oath to be faithful to the Apostolick See, and to acknowledge the Pope their cheif Protector. The Count *Palatine* of *Rhine*, who in the *interregnum* is cheif Vicar of the Empire, published his right by the Golden Bull, to govern in cheif till a new Emperor be chosen, and by Advice assumed the Power, requiring the people to demean themselves peaceably under his Government.

King *Ferdinand* in his broken Estate, propounded a Cessation of Arms, and offered fair terms of peace, but was not answered, for the breach would not be made up. The *Bohemians* declared that their Kingdom was Elective not Hereditary, that the States-General ought to have the free Election of their King, who always ought to be one of the Royal House of *Bohemia*: That *Ferdinand* took the Government upon him by vertue of his Coronation in the Emperors life time, and had thereby made the Kingdom a Donative. The Evangelicks in the Upper *Austria* demanded equal Priviledges with the Catholicks, and resolved to make union with the *Bohemians*. The Protestant States of *Moravia*, *Silesia*, and *Hungaria*, banish the Jesuites. The *Bohemians* prospered in these beginnings, but the *Austrian* party received vigor by supplies out of *Hungary* and *Flanders*, and were able to stand their ground; and the Emperor capitulated with the Duke of *Bavaria* to levy forces to his use; for the expence of which service, he engaged part of his Country to him.

The War grows to a great height, and the King of *England* interposed in these differences, and sent the Viscount *Doncaster* Extraordinary Ambassador to mediate a Reconciliation. His constant love of Peace, and his present fear of the sad issue of these Commotions, and the request of the King of *Spain*, moved him to take this part in hand. It was the *Spaniards* policy to make him a Reconciler, and by that means to place him in a state of Neutrality, and so frustrate the hopes of that support, which the Princes of the Union might expect from him by the Interest of the Count *Palatine*: For which cause the King of *Spain* speaks out large promises, That he should be the sole and grand Arbiter of this Cause of Christendom. Nevertheless his Mediation was slighted by the Catholick Confederates, and his Ambassador shuffled out of the business: And at the same time, Mr. *Cottingham* being very sensible of their unworthy dealings in the Court of *Spain*, professed, That his most useful service and best complying with his own Conscience, would be to disengage the King his Master.

The Archbishop of *Ments*, the Representers of the Duke of *Saxony*, and the other Electors, *Brandenburgh*, *Cullen*, and *Tryers*, met at *Franckford* to chuse the Emperor.

Upon the Eighth day of *August*, *Ferdinand* was chosen King of the *Romans*; and upon the Nineteenth of *September* had the Imperial Crown set upon his Head. Ambassadors from the Elector *Palatine* came to oppose *Ferdinand*, but were denied entrance at *Franckford*: The *Bohemians* disclaimed the said Election, and being assembled for that purpose, with the consent of their Confederates, elected for their King, Count *Frederrick Palatine* of *Rhine*.

At that time *Bethlem Gabor*, Prince of *Transylvania*, made known to

An. 1619.

Bethlem Gabor makes a union with the Protestants.

The Palatine craves the advice of King James, touching his accepting the Crown.

the Directors Evangelick, his great sense of their condition since those troubles began, desired union with them, and offered to come in with an Army, hoping for the Great Turks consent to peace, during the time of that Service. The Directors return their thanks, accept the offer, and Prince Bethlem immediately entred Hungary, to the Emperors great vexation, danger, and detriment; marching with an Army even to the Walls of Vienna.

The Count Palatine Elected King of Bohemia, craved advice of his Father in Law, the King of Great Brittain, touching the acceptation of that Royal Dignity: When this important business was debated in the Kings Council, Archbishop Abbot, whose infirmities would not suffer him to be present at the Consultation, wrote his minde and heart to Sir Robert Nanton, the Kings Secretary.

That God had set up this Prince, his Majesties Son in Law, as a Mark of Honor throughout all Christendom, to propagate the Gospel, and to protect the oppressed. That for his own part, he dares not but give advice to follow where God leads; apprehending the work of God in this, and that of Hungary: That by peece and peece, the Kings of the Earth that gave their power to the Beast, shall leave the Whore, and make her desolate. That he was satisfied in Conscience, that the Bohemians had just cause to reject that proud and bloody man, who had taken a course to make that Kingdom not Elective, in taking it by the Donation of another. The slighting of the Viscount Doncaster in his Ambassage, gave cause of just displeasure and indignation: Therefore let not a Noble Son be forsaken for their sakes who regard nothing but their own ends. Our striking-in will comfort the Bohemians, honor the Palsgrave, strengthen the Princes of the Union, draw on the United Provinces, stir up the King of Denmark, and the Palatines two Uncles, the Prince of Orange, and the Duke of Bouillon, together with Tremouille, a rich Prince in France, to cast in their shares. The Parliament is the old and honorable way for raising of Money, and all that may be spared is to be turned this way. And perhaps God provided the Jewels which were laid up in the Tower by the Mother, for the preservation of the Daughter, who like a Noble Princess hath professed that she will not leave her self one Jewel, rather then not maintain so religious and righteous a Cause. Certainly if countenance be given to this Action, many brave Spirits will offer themselves: Therefore let all our Spirits be gathered up to animate this business, that the World may take notice that we are awake when God calls.

The Life and Zeal of these Expressions from a Person of such Eminency, may discover the Judgment and Affection of the Anti-Spanish party in the Court of England. But the King was engaged in those ways, out of which he could not easily turn himself. Besides, it did not please him, that his Son should snatch a Crown out of the Fire: And he was used to say, *That the Bohemians made use of him as the Fox did of the Cats foot, to pull the Apple out of the Fire for his own eating.* In the mean while before the King could answer, the Palsgrave desiring advice in that behalf, the Bohemians had wrought and prevailed with him to accept of their Election; whereof he sent Advertisement into England, excusing the suddenness of the Action; for that the urgency of the cause would admit of no deliberation. King James disavowed the Act, and would never grace his Son in Law with the stile of his new Dignity. But Sir Richard Weston and Sir Edward Conway were sent Ambassadors into Bohemia,

Before answer came he had accepted it.

to

to close up the breach between the Emperor, and the Elector *Palatine*.

17 *Jacobi*.

King James disavows the Act, and clears himself of it to the King of Spain.

A The King being not a little troubled and jealous, that the *Palatines* nearness to him might give cause of suspicion to his Brother of *Spain*, that this Election had been made by his procurement or correspondence with the *German* Protestants, commands his Agent *Cottington* to give that King plenary Information of all proceedings; As, That his Ambassador being sent to compound the differences, and to reduce the *Bohemians* to the quiet obedience of the Emperor, instead of finding the Emperor so prepared, and such a way made for his Mediation as was promised and expected, received answer, That the business was already referred to four of the Electors, insomuch, that no place was left for his Authority to interpose.

B Of this exclusive answer, as he had just cause to be sensible, considering that he had entred into that Treaty meerly at the instance of the King of *Spain*, and his Ministers; so there followed a further inconvenience, That the *Bohemians* having long expected the fruit and issue of this Mediation, and finding little hope by this means, did instantly, as out of desperation, Elect the Count *Palatine* for their King: Wherefore being tender of his own honor and reputation, especially in the opinion of the King of *Spain*, he would not have it blemished by the least misunderstanding. And for that end, he tendred to his view, such Letters as from time to time he had written to the Princes of the Union, and to the *Palatine* himself, whereby he might plainly see his dislike of the *Bohemians* engaging against their King, and his industry to contain those Princes in peace and quietness, and to make a fair Accord between the disagreeing parties.

C Reply was made, as touching the answer given to the Viscount *Doncaster*, That he was admitted a Compounder in such form as was possible, the Arbitration having been committed by the late Emperor into the hands of three of the Electors, and the Duke of *Bavaria*; that nevertheless he might have proceeded in the Negotiation, and by his Masters Authority have over-ruled any difficulty which might have hapned on the Emperors side (on whose behalf the reference was made) if he had reduced the *Bohemians* to the acceptance of any reasonable conditions: But he presently, to the Emperors great disservice, labored to suspend the Election of the King of the *Romans*, till the *Bohemian* Controversie were first compounded, which was absolutely to defeat King *Ferdinand* of that Crown, and to disturb and put in danger his Election to the Empire. This was the more confirmed by his desire to make Bonfires in *Liege*, when the Count *Palatine* was made King of *Bohemia*. As touching the Kings integrity in the whole business, the satisfaction tendred was received with great applause; and it was further said, That it would gain the more authority and estimation if he should continue to disclaim that which had been done so contrary to his opinion, and against his Friends and Allies, as are all the Princes of the House of *Austria*.

E But the Lot was cast in *Germany*, and for the *Palgrave* there was no going back; forces pour in a main on both sides. The King of *Poland* aided the Emperor in *Hungary*, to bound and check the incursions of Prince *Bethlem*; the Duke of *Saxony* did not brook his Fellow Electors advancement to Regal Majesty, and condemned his joyning with *Bethlem Gabor*; Who, saith he, came in with the *Turks* consent to make a desolation in the Empire.

The King of Spain testifies his resentment of Viscount *Doncasters* proceedings in *Germany*.

The King of Poland aids the Emperor.

King

An. 1620.

Ferdinand
publishes a
Proscription
against the
Palatine.

Prince *An-*
halt Generalis-
simo of the
Bohemians.

Marquess *Ans-*
bach com-
mands the
forces of the
Princes of the
Union.

King *James*
will not en-
gage in the
War, sends
Sir *Walter*
Aston Amba-
sador into
Spain to ne-
gotiate the
Match, and
Gondomar re-
turns.

Great immu-
nities promi-
sed by King
James to the
Catholicks.

18 *Jacob*.
1620.

A great Army
levied in *Flan-*
ders under the
command of
Spinola.

A Regiment
under the
command of
Sir *Horatio*
Vere sent from
England.

King *Frederick* visited the several parts of his Kingdom to confirm the people to him, and to receive the Oath of Fidelity: And the Emperor published a Proscription against him, wherein he proclaims him guilty of High Treason, excludes him out of the publick peace, and declares his resolution to prosecute him as the publick Enemy of the Empire, and a contemner of his Imperial Majesty, and absolves all his Subjects from their Oaths and Duties to him, and commands all persons whatsoever to abandon him and his adherents. *Christian*, Prince of *Anhalt*, was appointed *Generalissimo* of the *Bohemian* Forces, and governed all affairs, which was some eclipse and discontent to *Thurne* and *Mans- fet*, who had hitherto stood the shock of the Imperial Armies. The Princes of the Union raised forces for the defence of the *Palatinate*, and their own interest, under the Marquess *Ansbach*. The Evangelicks were put to the worst by General *Buquoy* in several encounters, and were much terrified by the Duke of *Bavaria*, who marched with an Army of Fifteen thousand Horse and Foot, and a Train of Artillery proportionable; and they were weakened by a Cessation of Arms in *Hungary*, between the Emperor and the Prince of *Transylvania*.

In *Spain* they make all possible preparations for this War; onely the King of *England* will not take the Alarm, abhorring War ingeneral, and distasting the *Palsgraves* cause, as an ill president against Monarchy, and fed with hopes of composing all differences by the success of the Spanish Treaty. For which purpose Sir *Walter Aston* was then sent Ambassador into *Spain*, and *Gondomar* returned into *England*, there to abide till the long debated Match be fully effected. The Articles of Religion for securing Liberty of Conscience to the *Infanta* and her Family, were greatly enlarged by the Commissioners designed for the Treaty, and were allowed by the King of *England*; but without a dispensation from *Rome*, the transactions between the two Kings were but Nullities. And for this cause it was expected, that our King should propound such conditions for the increase and great advantage of the *Roman* Catholick Religion, that the Pope may deliberate whether they be of that nature as may perswade and merit the dispensation: To this demand the King made answer in his Letter to the King of *Spain*, That he had done as much in favor of the Catholicks as the times would bear, and promised in the word of a King, That no *Roman* Priest or other Catholick should thenceforth be condemned upon any capital Law. And although he could not at present rescind the Laws, inflicting onely pecuniary mulcts, yet he would so mitigate them as to oblige his Catholick Subjects to him. And if the Marriage took effect, his Daughter in Law should finde him ready to indulge all favors which she should request for those of her Religion. Herein the Spanish Council acknowledged great satisfaction given, and a Paper was conceived and drawn up by a *Funto* of Canonists, Lawyers, and Divines, to perswade the Pope to act his part.

IN the mean while an Army of Thirty thousand was levying in *Flanders*, under the command of Marquess *Spinola*. The King of *England* sent to know the cause of so great preparations. The Marquess gave answer, That he received his Commission sealed up with a charge not to open it till his Army were compleated, and brought together to a Rendezvous: But the King had proof enough to assure him, that this Army was intended for the *Palatinate*. Yet no more then one Regiment under the Command of Sir *Horatio Vere* could be obtained from him, though

two

18 *Jacobi.*

two more were promised: When *Spinola* had his Rendezvous where he mustered Six and twenty thousand Foot, and Four thousand Horse, he opened his Commission, which required him to make War against all those which should be confederate with the *Bohemian* Rebels; and he communicated the same to the Ambassador of Great *Brittain*. At the same time the English began their march; as brave a Regiment as hath appeared in any age, consisting most of Gentlemen under a most worthy Leader, who was accompanied with the Earls of *Oxford* and *Essex*, persons innobled as well by their own virtues, as by their Progenitors. Other Commanders in this Regiment were Sir *Edmund Sackville*, Sir *Gerard Herbert*, Sir *Robert Knolles*, Captain *Stafford*, Captain *Wilnot*, Captain *William Fairfax*, Sir *John Burlacy*, Cap. *Burroughs*, Cap. *Robert Knightly*, &c.

This handful of men reached the *Palatinate* with some difficulty, by the aid and conduct of *Henry Prince of Nassau*.

The Imperial forces became exceeding numerous by large supplies from several Countreys and Provinces. The States Protestant of the Upper and Lower *Austria*, upon the approach of the *Bavarian* Army, seeing nothing but manifest ruine, renounce their Confederacy with the *Bohemians*, and submit to the Emperor, saving to themselves their Rights and Priviledges in Religion: Whereupon the *Bohemians* and their King being but Twenty thousand strong, besides an addition of Ten thousand *Hungarians* from *Bethlem Gabor*, and fearing lest *Bavaria* and *Buquoy* joyn-
ing their forces, should fall into *Bohemia*, thought it best to fortifie the Frontiers, and to defend their Country, which they conceived they might well do, if the Elector of *Saxony* would continue in his Neutrality. The Emperor sent to the said Elector to execute his Ban or Declaration of Treason against the Count *Palatine*, and the *Bohemian* Rebels. The *Bohemians* by their Ambassadors requested him, if he would not own their Cause, yet at least to remain Neutral. The Duke of *Saxony* replied to King *Frederick*, That he had often represented to him what ruine was like to follow him by taking an others Crown; and for his own part, being called upon by the Emperor, to execute his Ban, and chastise the Rebels, he could not disobey that just command: The Protestant Princes sent to him again, and gave him notice of *Spinola's* advance to subdue the *Palatinate*, but this did nothing move him. He entred *Lusatia* with some forces, and quickly reduced a part of that Province.

In the *Palatinate*, *Spinola* having got the start of the English, by means of a far shorter march, had no sooner arived, but he took in divers Towns, and prevailed greatly over a spiritless people; yet he warily declined the hazard of Battel with the Princes of the Union: Neither was the Marquis *Ansbach* very forward to engage, or to seek or take advantages. The Dutch slowneis was not excusable, howbeit the great access of strength to the Emperors party, and this slender aid from the King of Great *Brittain*, to preserve his Childrens Patrimony, must needs dishearten the *German* Princes, and help to dissolve the Union. After a while, the season of the year drew them into their Winter Quarters; the Princes retired into their several Countreys, and the English Regiment was disposed into three principal Garisons: Sir *Horatio Vere* commanded in *Manheim*, Sir *Gerard Herbert* in *Teidelborough*, and Captain *Burroughs* in *Frankendale*, having onely power to preserve themselves within those Walls, whilst the enemy ranged round about them.

The Protestant States of *Austria* renounce the confederacy of the *Bohemians*.

The Elector of *Saxony* assists the Emperor, and executes the Ban against the *Palatine*.

Spinola prevails much in the *Palatinate*.

The Armies take up their Winter Quarters.

An. 1620.

A Letter of
the Duke of
Buckingham
to Gondomar
touching King
James his
Leat to the
German War.

A Letter written from the Marquess of Buckingham to Conde Gondomar, discovered the bent of the Kings mind and will touching the German War, That he was resolved to continue *Neuter* for Conscience, Honor, and Examples sake. In regard of *Conscience*, judging it unlawful to introne and dethrone Kings for Religions sake; having a quarrel against the Jesuites for holding that opinion: Besides he saw the World inclined to make this a War of Religion, which he would never do. In point of *Honor*; for that when he sent his Ambassador into *Germany* to treat of Peace, in the interim his Son in Law had taken the Crown upon him. And for *Example* sake; holding it a dangerous president against all Christian Princes to allow a sudden translation of Crowns by the *Peoples Authority*. Nevertheless he could not sit still, and see his Children dispossessed of their Hereditary Rights, and hopes his Son in Law will make Overtures of Peace, which if slighted by the Emperor, he will not lose the season to prepare for the defence of the *Palatinate*. But if his Son will not hearken to his advice, he shall be enforced to leave him to his proper Counsels.

Notwithstanding this open, wary and tender proceeding with all care and patience to observe the Spanish humors, our State Ministers that were most addicted to *Spain*, discerned their trifling with us, which they did not spare to censure, and resolved to use a freer Language; yet still discovered a willingness to wait their further leisure, for the English Patience seemed invincible. In the mean time the Privy Council having an eye to the support of the *Palatinate*, began the raising of Moneys by way of free gift, and directed Letters of the tenor following, to divers Earls, Viscounts, Bishops, and Barons, the same Letter being sent to each respectively.

Octob. 25.

YOU may formerly have heard how the *Palatinate* being the ancient Heritage of the Count Palatine, his Majesties Son in Law, and to descend to his Majesties Grand-children, is now invaded by a Foreign Enemy; many principal Towns are surprised, a great part of the Countrey in the possession of strangers, and the inhabitants forced to take an Oath against their Natural Prince. Whereupon his Majesty out of considerations of Nature, Honor, and State, hath declared himself in the course of an Auxiliary War for the defence and recovery of the same; the occasion being so weighty and pressing, hath moved his Majesty by the general advice of us his Council, to think of some course for provision of that nature, as may serve as well to the maintenance and preserving of the present succors already sent, as for the reinforcing them out of those Countreies, as the occasion of the War shall require: And for that the swiftness of the occasion would not permit a supply by other means for the present, so readily as was needful, we have all concurred to begin with our selves, in offer of a voluntary gift unto his Majesty, for the advancement of the present occasion nothing doubting, but that your Lordship being a Peer of the Kingdom, will cheerfully and readily follow the example of us begun. And if there were much alacrity and readines found in the Nobility, and others, to contribute at the motion of his Majesties Sons Ambassador, at what time the *Palatinate* was not invaded, neither had his Majesty declared himself, you will much more and in a better proportion do it now these two weighty Motives do concur; and so nothing doubting of your Lordships readines herein, we bid, &c.

To the Marquess of Winchester, Earl of Darby,
Earl of Cumberland, Earl of Northumberland, &c.

Also a Letter of the same form was written to the Lord Major of London.

But

18 *Jacob.*

Frederick's
Forces totally
routed in the
Battle at
Prague.

His calamity
joined with
lots of Honor.

But the short Reign of King *Frederick* was near its period: The Imperial Forces under *Bavaria*, *Buquoy*, and *D. Balthazar*, advance towards *Prague*; and the *Bohemians* quit their Garrisons, to make their Army the more compleat: Yet neither Count *Mansfield* nor the English Forces were there. On the Eighth day of *November*, being the Lords day, both Armies met for the fatal decision of the great Controversie. The *Bohemians* stood upon the advantage-ground betwixt the Imperialists and

A *Prague*: But the Enemy breaking through, scattered and ruined their whole Army, and pursued the Victory. The King and Queen surprised with this Discomfiture, among a wavering people in a City not very defensible, were constrained to flee the next morning.

Diminution of Honor was added to the Calamity of this Prince; because he suffered his Soldiers to mutiny for Pay, when he had a mass of Money by him, which was left behind to augment the Enemies Conquest. Neither was *Anhalt* the General a fit person for the high trust reposed in him; who not long after the Defeat, sought and obtained the Emperors favor, and was made one of his Generals to debel the Protestant cause and party. But Count *Mansfield*, whom *Anhalt* slighted, and closed not with him to bring him up to this Fight, made good his fidelity, and with his Flying Army became a continual vexation to the Emperor, harassing his Countries and forcing Contribution.

B King *James*, upon the news of the *Palgrave's* overthrow, and upon a Narration of the state of Affairs in those parts made unto His Majesty by the Earls of *Oxford* and *Essex* newly returned from the *Palatinate*, was pleased to call a full Council together to consider of this great and weighty affair. The Order ensuing relates the particulars.

At the Court at *Whitehall*, Jan. 13. 1620.

Present,

Lord Archbishop of Canterbury

Lord Chancellor

Lord Treasurer

Lord Privy Seal

Lord Steward

Lord M. Hamilton

Lord Chamberlain

Earl of Arundel

Earl of Kelly

Lord V. Doncaster

Lord V. Falkland

Lord Carew

Lord Digby

Mr. Treasurer

Mr. Secr. Nawnton

Mr. Secr. Calvert

Mr. Chanc. of the Exchequer

Master of the Rolls

Master of the Wards.

F HIs Majesty being resolved to make some Royal preparations for the Recovery and Protection of the *Palatinate*, being the antient Inheritance of his Majesties Son in law, and Grandchildren, did in his high wisdom think meet to appoint some persons of knowledge and experience in the Affairs to consider of, and give their Advice in such Propositions as shall be made unto them by the Board, for the better expediting of that service. To which purpose the Earl of Oxford and the Earl of Essex, the Earl of Leicester, the Lord Viscount Wilmot, the Lord Danvers, the Lord Calfield, Sir Edward Cecyl, Sir Richard Harrison Knights, and Captain Danbingham were

An Order at
the Council-
Table for re-
covering the
Palatinate.

called

An. 1620.

called to the Table, and made acquainted with His Majesties pleasure, That they, or any five or more of them, together with Sir Horace Vere, and Sir Edw. Conway Knights (if they return into England while this Committee doth continue) shall undertake this service, and have their meetings and assemblies in the whole Council chamber here in White-hall touching the affairs above-mentioned: And that for their better assistance they call unto them such others of experience, whose advice and opinion they shall think fit to make use of in their several Consultations, upon such things as shall be so referred unto them from the Board. Which they are to prosecute without intermission or delay. And they shall make Report of their Opinions, which is to be done in writing under five of their hands at least.

The Particulars offered to their Consideration, are these;

First, What proportion or number of men, as well Horse as Foot, with Munition, Victuals, Shipping, and Treasure, will be sufficient for that Enterprise.

And secondly, By what time it will be meet that their Forces be in readiness; And where the Arms, Munition, and Victuals may best be provided; with such other Circumstances as are incident to any of these Heads.

For the better direction herein, Mr. Secretaries will acquaint them with such Intelligences as they have received touching the strength of the Enemies Forces now in the Palatinate.

Moreover, The King to encourage the Princes of the Union, and to keep them in Arms, sent them Thirty thousand pounds; yet withall resolved to treat for Peace, and dispatched Sir Edward Villers into Silesia to fetch the Palsgraves Submission to the Emperor, upon Conditions to be conceived according to equity and conveniencie.

Never did the Spaniards more flatter King James, then after the Defeat at Prague. They affirm that he shall ordain according to his pleasure in the Palsgrave's Restitution, and be obeyed; That the Infanta's Portion was preparing, and that the Pope was obliged to grant the Dispensation, from whom they resolve to take no denial. Cottington the Agent in Spain now attested the Honesty of Gomomars Dispatches hither, and cryed him up for a Cordial man, and well deserving His Majesties favor.

This notable Spanish Engine had so wrought himself into the Kings affections, that he gained the access of a Favorite rather then of an Ambassador from a Foreign Prince.

Some in the English Court were then suspected to be Pensioners to Spain; as may be gathered from the Spanish Ambassadors Instructions received from the King his Master.

The Spaniards
flatter the
King.

Private In-
structions to
the Spanish
Ambassador
into England.

" Besides that which I enjoin you in your General Instructions given
" you for England, whither I send you to reside, I thought good to
" advertise you apart by themselves of the chiefest things of Importance
" which you shall there negotiate, and endeavor to further and ad-
" vance.

" It is well known, that I have desired and endeavored to favor the
" Cause of the Catholics of that Kingdom, and to further it to their best
" advantage, as well in the time of the Queen deceased who did so much
" prosecute and oppress them, as since the time that the present King hath
" succeeded; yet that calamity still continues upon them, by reason of the

"all offices done unto them by the *Puritans* and *Protestants* (of whom 18 *Jacobi.*
 "the greater part of that Kings Council doth consist :) Howbeit be-
 "cause it is a thing that I could not well urge or press, without
 "breeding jealousies, and so cause thereby a greater harm to the
 "Catholicks, I have proceeded on my part with that wariness and *dis-*
 "*simulation* as is fit.

A "D. A. shall inform you of what hath passed in this matter, as also
 "in what estate things are at this present, and how you shall govern
 "your self for the time to come, according to the orders given unto him,
 "whose example we wish you to follow. And of this take special heed:
 "That although it be believed that we may be very confident of the
 "trustiness of those *Catholicks* by whose means the business of the rest
 "is undertaken, that they will be secret; notwithstanding lest any *Here-*
 "*tick* shall come in the name or shew of a Catholick only to make some
 "discovery; It shall be fit, that in all speeches you shall have with them
 B "concerning that which shall touch the Catholicks, that you tell them
 "how much I desire to see them freed from those pressures under which
 "Queen *Elizabeth* put them, and that God would inspire the Kings heart
 "that he may reduce himself to the obedience of the *Roman* Catholick
 "Church: And advise them to endeavor to win the King unto them,
 "by shewing themselves good and loyal and obedient Subjects, in tem-
 "poral duties, and not to meddle any thing against his *State*; that by
 "their deeds he may see what security may be expected from them, and
 C "may also bind himself to favor them; these being things that do no
 "way contradict the observing the Catholick Religion, and are due from
 "them to the dignity of their King and Natural Lord: And for the same
 "reason they ought to abstain from all ill practices, or unsuitable speech
 "or actions against his Person, as is said some heretofore have used;
 "especially seeing no good hath, or can come thereof, and thereby they
 "shall justly provoke him against themselves; and by holding this course
 "they shall win the Kings good will, and the Peace shall be preserved,
 D "and by the Peace by little and little be won and attained that which
 "is desired. By this manner of proceeding it is certain there can come no
 "inconvenience: But in case that this your manner of dealing shall come
 "to the Kings knowledge (as possibly it may) it will breed a great ob-
 "ligation of brotherhood and friendship between us, when he shall see
 "that I carry my self in this sort in his affairs, and consequently will be
 "the more confident of our amity, and will thereby be induced the
 "better to subdue all malice in them that shall endeavor to perswade the
 E "contrary. And therefore you shall have a special care to do this dexte-
 "riously, in due time and season; and to inform your self very particu-
 "larly from the said D. A. concerning those with whom you may deal
 "confidently, and how far you may trust the *Negotiants* for the Catho-
 "licks; though you shall do well alway to proceed with the aforesaid
 "caution and wariness.

"You shall understand from the said D. A. what *Pensions* are allotted
 "to certain *Ministers* of that King, and to other persons: It will be ne-
 F "cessary to inform your self thoroughly of all that concerns this point,
 "and that you know both the *Persons* and *Pensions* to serve your self
 "of them, and to make the best use of them in all occasions that shall
 "be most behoveful for your better direction in the Businesses given you
 "in charge, and all others that may be offered of consequence, seeing
 "the said *Pensions* were appointed to that end.

An. 1620.

“Whatsoever of the said Pensions you shall find unpaid for the time past, *D. A.* is to discharge, and you shall undertake for the time to come; telling every one what his Pension is, to the end they may be deceived of no part thereof by the Third person who conveys it unto them; and let it be punctually paid at the days, that their good payment may bind them to persevere and do their service punctually; for the which you shall be furnished with all that shall be necessary. And have a special care to advertise me how such persons employ themselves in the things that shall occur, disguising their names in such manner as *D. A.* doth.

“Above all, You must take great care to dive into the estate of the affairs of that King: What his Treasure is; In what Estimation he is with his Subjects, and what Correspondencie and good meaning there is betwixt them; How the *English, Scotch and Irish* stand affected among themselves and one towards another, and towards their Neighbors, and how they are bent against me and my Common Estates, or any of my particular Kingdoms; whence they draw their Intelligences, and particularly what amity and correspondencie that King entertaineth with *France*, and with the *Neutrals of Holland and Zealand*, and with the *Venetians*, and upon what causes it is founded, what matters they treat of, what designs they have in hand. All which is very necessary to be known; for the attaining of which *D. A.* will open unto you some ways which you must follow, besides those which your self shall discover: And you shall advertise me of whatsoever you shall understand and learn, governing your self in all occurrents with that wariness and discretion, as your zeal to my service doth assure me of.

These were the Arts of *Spain*, to corrupt divers in the Court of *England*.

Buckingham and his Dependants followed the Kings inclinations: The Duke of *Lenox*, Marquis *Hamilton*, and *William* Earl of *Pembroke* disliking the Kings course, did not contest with him, but only intimated their dissent.

It was said of *Gondomar*, That when he returned into *Spain*, he gave in his Account of Disbursements for Pensions given in *England*, (amongst others) To Sir *Robert Cotton* 1000*l.* a person of great Integrity, and one who was ever averse to the House of *Austria*. Which Sir *Robert* getting notice of by the English Agent then in *Spain*, demanded reparation, which was obtained, but with a *salvo* to the Ambassadors honor, the error being said to be committed by a Dependent upon the Ambassador, and not by himself.

The King being jealous of uncomptrolled Sovereignty, and impatient of his Peoples intermeddling with the Mysteries of State, had fallen into a great dislike of Parliaments, and for many years before had given way to Projects and Monopolies: And many of his Ministers perhaps fearing an enquiry into their own actions, might suggest to him, that he might better furnish himself by those ways, and the Match now in treaty, then by Subsidies, usually accompanied with the redress of Grievances. Nevertheless, he was now minded to call a Parliament, conceiving it might be of special use: For he observed the affections of the People to be raised for the Recovery of the *Palatinate*; and then concluded, that those affections would open their purses to the supply of his wants; and the Treaty with *Spain* would effect the business without the expence and troubles

The King calls
a Parliament.

18 *Facobi.*

troubles of War, and the good accord between him and his people would quicken the *Spaniard* to conclude the Match. And accordingly Writs were issued forth to assemble them the 30. of *January*. In the calling of this Parliament he recommended to his Subjects the choice of such Members as were of the wisest, gravest, and best affected people, neither superstitious, nor turbulent, but obedient Children to this their Mother-Church.

A In the mean while in *Germany*, the Protestant Union continually declined by the gradual falling away of the several partakers. The Elector of *Saxony* reduced the remainder of *Lusatia*. The Province of *Moravia*, upon the approach of *Buquoy*, seeing the Count *de Latiere* came not in to their succor, prayed that they might enjoy their Priviledges in matter of Religion, and be received into the Emperors grace and favor: which submission was well received at *Vienna*. Likewise the States of *Silesia* failing of assistance from the Elector *Palatine*, were constrained to make their peace.

The Protestant Union declines in *Germany*.

B Then the *Palatine* propounded to the Elector of *Saxony* an Overture of Peace, declaring, That he took the Crown upon him to preserve the Protestants in the free exercise of their Religion. The *Saxon* replied, That he had no way to make his Peace, but to renounce the Kingdom of *Bohemia*, and the Provinces Incorporate, and to beg the Emperors pardon. Afterwards the Elector *Palatine* goeth to *Brandenburgh*, and then to *Seegenburgh*, where there was an Assembly of Princes and States Protestant to oppose the exploits of *Spinola*. In the mean while Count *Mansfield* stirs in *Bohemia*, pillages several Towns, and the Goods of all those that cried, *God save King Ferdinand!*

The *Palatine* propounds a Peace to the Elector of *Saxony*.

C The relation of *England* to these affairs of Foreign States, had caused a general liberty of discourse concerning matters of State: which King *James* could not bear, but by Proclamation commanded all from the highest to the lowest, not to intermeddle by Pen or Speech with State-concernments and secrets of Empire, either at home or abroad; which were no fit Themes or Subjects for Vulgar persons, or Common meetings.

The King puts forth a Proclamation forbidding discourse of State-affairs.

D On the Thirtieth day of *January* the Parliament began to sit, and the King came in person and made this Speech.

E “**M**Y Lords Spiritual and Temporal, and you the Commons!
 “*Cui multiloquio non deest peccatum*. In the last Parliament I made
 “long discourses, especially to them of the Lower House: I did open the
 “true thoughts of my heart; but I may say with our Saviour, *I have*
 “*piped to you, and you have not danced; I have mourned, and you have not*
 “*lamented*. Yet as no mans actions can be free, so in me God found some
 “spices of vanity, and so all my sayings turned to me again without any
 “success. And now to tell the reasons of your calling, and this meeting,
 “apply it to your selves, and spend not the time in long Speeches. Consider that the *Parliament* is a thing composed of a Head and a Body,
 “The *Monarch* and the Two *Estates*; It was first a Monarchy, then after
 F “a Parliament. There are no Parliaments but in Monarchical Governments; For in *Venice*, the *Netherlands*, and other Free Governments there are none. The Head is to call the Body together: And for the
 “Clergy, the Bishops are chief; for Shires, their Knights; and for
 “Towns and Cities, their Burgeesses and Citizens. These are to treat of
 “difficult matters, and to counsel their King with their best advice to
 “make

The Kings Speech to the Parliament.

An. 1620.

“ make Laws for the Commonweal. And the Lower House is also to
 “ petition their King, and acquaint him with their Grievances, and not to
 “ meddle with their Kings *Prerogative*. They are to offer supply for his
 “ Necessity, and he to distribute in recompence thereof Justice and Mercy.
 “ As in all Parliaments it is the Kings office to make good Laws, (whose
 “ fundamental cause is the Peoples ill manners) so at this time, that we
 “ may meet with the new Abuses and the incroaching Craft of the times :
 “ Particulars shall be read hereafter.

“ As touching *Religion*, Laws enough are made already. It stands in
 “ two points, Persuasion and Compulsion : Men may perswade, but God
 “ must give the blessing. *Jesuites, Priests, Puritans* and *Seſtaries*, erring
 “ both on the right hand and left hand, are forward to perswade unto their
 “ own ends ; and so ought you the *Bishops*, in your example and preaching :
 “ But Compulsion to obey, is to bind the Conscience.

“ There is talk of the *Match* with *Spain* : But if it shall not prove a
 “ Furtherance to Religion, I am not worthy to be your King : I will never
 “ proceed but to the glory of God, and content of my Subjects.

“ For a *Supply* to my Necessities : I have reigned Eighteen years, in
 “ which time you have had Peace, and I have received far less supply than
 “ hath been given to any King since the Conquest : The last Queen of
 “ famous memory, had one year with another above a Hundred thousand
 “ pounds *per annum* in Subsidies ; And in all my time I have had but Four
 “ Subsidies and Six Fifteens. It is Ten years since I had a Subsidy ; in all
 “ which time I have been sparing to trouble you : I have turned my self
 “ as nearly to save expences as I may ; I have abated much in my House-
 “ hold expences, in my Navies, in the charge of my Munition ; I made
 “ not choice of an old beaten Soldier for my Admiral, but rather chose a
 “ * Young man, whose honesty and integrity I knew, whose care hath
 “ been to appoint under him sufficient men, to lessen my Charges, which
 “ he hath done.

“ Touching the miserable dissentions in Christendom, I was not the
 “ cause thereof ; For the appeasing whereof I sent my Lord of *Doncaster*,
 “ whose journey cost me Three thousand five hundred pounds. My Son
 “ in law sent to me for Advice, but within three days after accepted of
 “ the Crown ; which I did never approve of, for three Reasons.

“ First for Religion's sake, as not holding with the *Jesuites* disposing
 “ of Kingdoms ; rather learning of our Saviour to uphold, not to over-
 “ throw them.

“ Secondly, I was no Judge between them, neither acquainted with
 “ the Laws of *Bohemia*. *Quis me Judicem fecit ?*

“ Thirdly, I have treated a Peace, and therefore will not be a Party ;
 “ Yet I left not to preserve my Childrens Patrimony : For I had a Con-
 “ tribution of my Lords and Subjects, which amounted to a great sum ;
 “ I borrowed of my Brother of *Denmark* Seven thousand five hundred
 “ pounds to help him, and sent as much to him as made it up Ten thou-
 “ sand ; and Thirty thousand I sent to the Princes of the Union, to hearten
 “ them. I have lost no time : Had the Princes of the Union done their
 “ parts, that handful of men I sent had done theirs. I intend to send by
 “ way of Persuasion, which in this Age will little avail unless a strong
 “ hand assist : Wherefore I purpose to provide an Army the next Sum-
 “ mer, and desire you to consider of my Necessities, as you have done
 “ to my Predecessors. *Qui citi dat, bis dat*. I will engage my Crown, my
 “ Blood, and my Soul in that Recovery.

“ You

* Buckingham.

18 Jacobi.

“ You may be informed of me in things in courſe of Juſtice, but I never ſent to any of my Judges to give ſentence contrary to Law. Conſider the Trade, for the making thereof better; and ſhew me the reaſon why my Mint for theſe eight or nine years hath not gone. I confeſs I have been liberal in my Grants; but if I be informed, I will amend all hurtful Grievances: But who ſhall haſten after Grievances, and deſire to make himſelf popular, he hath the ſpirit of Satan: If I may know my Errors, I will reform them. I was in my firſt Parliament a Novice; and in my laſt there was a kind of beaſts called *Undertakers*, a dozen of whom undertook to govern the laſt Parliament, and they led me. I ſhall thank you for your good office, and deſire that the World may ſay well of our agreement.

In this Parliament the Commons preſented Sir *Tho. Richardson* for their Speaker.

The King minded his former engagements, and in the beginning of the Parliament ſends Sir *John Digby*, now made Lord *Digby*, into *Flanders* to the Archduke *Albertus*, to gain a preſent Ceſſation from War, and to make way for a Treaty of Peace with the Emperor. And alſo about the ſame time he ſent Mr. *George Gage* to *Rome*, to join with *Padre Maefre* the Spaniſh Agent in negotiating the Popes Diſpenſation. The Archduke at *Bruxels* aſſented to a Reconciliation in favor of our King, and obtained from Marquis *Spinola* a ſuſpension of all hoſtility againſt the Country and Subjects of the Elector Palatine, which continued till the death of Archduke *Albert*, who died 17 *Julii* following. So the Lord *Digby* returned into *England*, bringing the Ceſſation of Arms, about the ſame time that Sir *Edward Villers* brought the *Palgrave's* Submiſſion. But the Twelve years Peace between *Spain* and the *United Provinces* at this time expiring, *Spinola* returned into *Flanders*, and left the *Palatinate* to the Imperial Forces.

The Lord Digby ſent Ambaſſador into *Flanders*, and Mr. *Gage* to *Rome*.

After the Aſſembly at *Sezenburgh*, the Palatine and his Princeſs took their journey into *Holland*, where they found a refuge and noble entertainment with the Prince of *Orange*, who gave a high teſtimony of honor to the Electreſs at her firſt arrival, for her magnanimous carriage in *Bohemia*.

The Palatine and his Princeſs go into *Holland*.

The Ambaſſage of *Weſton* and *Conway* prevailed little. The Emperor went on in a ſevere Reformation, and frequent Executions among that vanquiſhed people: He deſtroyed moſt of their antient Laws, and made new Ordinances; declaring a ſovereignty over them, not as an Elected King, but as a Lord by right of Conqueſt.

The Emperor proceeds ſeverely with the *Bohemians*.

More Princes of the Union reconcile themſelves to the Emperor; The Imperial Proteſtant Towns, *Strasburgh*, *Worms*, and *Nuremburgh*, ſubſcribe to Conditions of Peace. The reconciled Princes and States intercede for the Elector Palatine; but their motion diſpleaſed the Emperor, who alleadged, that the Palatine did not acknowledge his faults nor ſue for Pardon, but made Levies in *Holland* and elſewhere, to renew the War in the Empire. For the King of *Denmark*, the *United Provinces*, and divers German Princes did adhere to the *Palgrave's* cauſe, and ſtickle for him. But the Princes Confederates being already ſcattered, and the heart of the Union broken, Thoſe counſels and enterpriſes of War on his behalf, inſtead of reſſing the progreſs of the *Austrian* party, did miniſter occaſion of their more abſolute and plenary Conqueſt.

Imperial Proteſtant Towns reconcile themſelves to the Emperor, and intercede for the Palatine, but in vain.

But to return to the Parliament in *England*. They petition the King for the due execution of Laws againſt Jeſuites, Seminary Prieſts and Popiſh

An. 1621.

Grievances
proposed in
Parliament.Sir Giles Mompe-
sson imprisoned, but
escapes be-
yond Sea.

Popish Recusants. Likewise they take in hand to redress the Peoples Grievances by illegal Patents and Projects, and chiefly that of Inns and Alehouses, for which there was a great Fine, and an Annual Revenue throughout the Kingdom; and the Monopoly of Gold and Silver-thread, whereby the People were abused with base and counterfeit Wares. But the examination of these Abuses was accompanied with the grant of Two Subsidies, which was very acceptable to the King. Sir Giles Mompesson was convented before the House of Commons for many heinous offences and misdemeanors in this kind, to the intolerable grievance of the Subject, the great dishonor of the King, and the scandal of his Government. This Delinquent was committed to prison, but he escaped thence and got beyond sea, and was pursued by the Kings Proclamation.

The Commons at a Conference with the Lords offered to prove, That the Patents of Gold and Silver-Thread, of Inns and Alehouses, and of power to Compound for obsolete Laws, of the Price of Horse-meat, Starch, Cords, Tobacco-pipes, Salt, Train-oil, and the rest, were all illegal: Howbeit they touch'd not the tender point of Prerogative; but in restoring the Subjects liberty, were careful to preserve the Kings honor. The Lords resolved to admit no other business, till this were ended.

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An. 1621.

The Kings
Speech to
the Lords.

Hereupon the King came to the House of Lords, and there made a Speech.

My Lords, The last time I came hither, my errand was to inform you (as well as my memory could serve me of things so long past) of the verity of my proceedings, and the caution used by me in passing those Letters-Patents which are now in question before you, to the effect that they might not be abused in the execution. And this I did by way of Declaration. But now I am come (understanding the time of your Censure at hand) to express my readiness to put in Execution (which is the life of the Law) those things which ye are to sentence; (For even the Law it self is a dead letter without Execution) For which office God hath appointed me in these Kingdoms. And though I assure my self, that my former behaviour in all the course of my life hath made me well known for a just King; yet in this special case I thought fit to express my own intentions out of my own mouth, for punishment of things complained of: The first proof whereof I have given by the diligent search I caused to be made after the person of Sir Giles Mompesson, who though he were fled, yet my Proclamation pursued him instantly: And as I was earnest in that, so will I be to see your Sentence against him put in execution.

Two reasons move me to be earnest in the execution of what ye are to sentence at this time.

First, That duty I owe to God who hath made me a King, and tied me to the care of Government by that Politique Marriage betwixt me and my People: For I do assure you in the heart of an honest man, and by the faith of a Christian King, (which both ye and all the world know me to be) had these things been complained of to me before the Parliament, I would have done the office of a just King, and out of Parliament have punished them as severely, and peradventure more, then ye now intend to do. But now that they are discovered to me in Parliament, I shall be as ready in this way, as I should have been in the other: For I confess I am ashamed (these things proving so as they are generally

“generally reported to be) that it was not my good fortune to be the
 “only Author of the Reformation, and punishment of them by some
 “Ordinary Courts of Justice. Nevertheless, since these things are
 “new discovered by *Parliament*, which before I knew not of, nor could
 “so well have discovered otherwise, in regard of that Representative
 “Body of the Kingdom which comes from all parts of the Countrey, I
 “will be never a whit the slower to do my part for the execution: For
 A “(as many of you that are here, have heard me often say, and so I will
 “still say) so pretious unto me is the Publick Good, that no private per-
 “son whatsoever, (were he never so dear unto me) shall be respected by
 “me, by many degrees, as the Publick Good; not onely of the whole
 “Commonwealth, but even of a particular Corporation that is a Mem-
 “ber of it. And I hope that ye, my Lords, will do me that right to pub-
 “lish to my people this my Heart and purpose.

B “The second Reason is, That I intend not to derogate or infringe
 “any of the Liberties or Priviledges of this House, but rather to fortifie
 “and strengthen them: For never any King hath done so much for the
 “Nobility of *England*, as I have done, and will ever be ready to do.
 “And whatsoever I shall say, and deliver unto you as my thought; yet
 “when I have said what I think, I will afterwards freely leave the Judg-
 “ment wholly to your House. I know you will do nothing but what
 “the like hath been done before: And I pray you be not jealous that I
 “will abridge you of any thing that hath been used; For whatsoever
 C “the Precedents (in times of good Government) can warrant, I will al-
 “low; For I acknowledge this to be the Supream Court of Justice,
 “wherein I am ever present by Representation. And in this ye may be
 “the better satisfied by my own presence coming divers times among
 “you. Neither can I give you any greater Assurance, or better Pledge
 “of this my purpose, then that I have done you the honor to set my
 “only Son among you; and hope that ye with him shall have the means
 “to make this the happiest *Parliament* that ever was in *England*.

D “This I Profess, and take comfort in, That the *House of Commons*
 “at this time, have shewed greater love, and used me with more respect
 “in all their proceedings, then ever any *House of Commons* have hitherto
 “done to me, or I think to any of my *Predecessors*. As for this House
 “of yours, I have always found it respective to me, and accordingly do
 “I, and ever did favor you, as you well deserved. And I hope it will be
 “accounted a happiness for you, that my *Son* doth now sit among you, who
 “when it shall please God to set him in my place, will then remember
 E “that he was once a *Member* of your House, and so be bound to maintain
 “all your lawful Priviledges, and like the better of you all the days of
 “his life. But because the World at this time talks so much of *Bribes*,
 “I have just cause to fear the whole Body of this House hath bribed him
 “to be a good Instrument for you upon all occasions: He doth so good
 “Offices in all his Reports to me, both for the House in general, and
 “every one of you in particular. And the like I may say of one that
 “sits there, *Buckingham*, he hath been so ready upon all occasions of
 F “good Offices, both for the House in general, and every Member in
 “particular. One proof thereof, I hope my Lord of *Arundel* hath al-
 “ready witnessed unto you, in his Report made unto you of my Answer
 “touching the Priviledges of the Nobility, how earnestly he spake unto
 “me of that matter.

An. 1621.

"Now, my Lords, the time draws near of your *Recess*; whither formality will leave you time for proceeding now to Sentence against all, or any of the persons now in question, I know not; but for my part, since both Houses have dealt so lovingly and freely with me, in giving me a free gift, Two Subsidies, in a more loving manner than hath been given to any King before, and so accepted by me: And since I cannot yet retribute by a General Pardon (which hath by Form usually been reserved to the end of a Parliament) the least I can do, (which I can forbear no longer) is to do something in present, for the ease and good of my people. Three Patents at this time have been complained of, and thought great Grievances.

1. *That of the Inns and Hosteries.*
2. *That of Ale-houses.*
3. *That of Gold and Silver Thred.*

"My purpose is to strike them all dead; and that time may not be lost, I will have it done presently: That concerning Ale-houses I would have to be left to the Managing of Justices of the Peace as before. That of Gold and Silver Thred was most vilely executed, both for wrong done to mens persons, as also for abuse in the Stuff; for it was a kinde of false Coyn. I have already freed the persons that were in prison, I will now also damn the Patent, and this may seem instead of a Pardon. All these three I will have recalled by Proclamation, and wish you to advise of the fittest Form to that purpose.

"I hear also there is another Bill among you against Informers. I desire you, my Lords, that as you tender my Honor, and the good of my People, ye will put that Bill to an end as soon as you can; and at your next meeting to make it one of your first works. For I have already shewed my dislike of that kinde of people openly in *Star-Chamber*; and it will be the greatest ease to me, and all those that are near about me at Court, that may be: For I remember that since the beginning of this Parliament, *Buckingham* hath told me, he never found such quiet and rest, as in this time of Parliament, from Projectors and Informers, who at other times miserably vexed him at all hours.

"And now I confesse, that when I looked before upon the face of the Government, I thought (as every man would have done) that the people were never so happy as in my time: For even as at divers times I have looked upon many of my Coppices, riding about them, and they appeared on the outside very thick and well-grown, unto me; but when I turned into the midst of them, I found them all bitten within, and full of Plains, and bare spots; like an Apple or Pear, fair and smooth without, but when ye cleave it asunder, you finde it rotten at the Heart. Even so this Kingdom, the *External Government* being as good as ever it was, and I am sure as Learned Judges as ever it had, and I hope as honest Administring Justice within it; and for Peace, both at home and abroad, I may truly say, more settled and longer lasting then ever any before; together with as great plenty as ever. So as it was to be thought that every man might sit in safety under his own Vine and Fig-Tree: Yet I am alhamed (and it makes my hair stand upright) to consider, How in this time my people have been vexed and polled by the vile execution of Projects, Patents, Bills of Conformity, and such like; which besides the trouble of my people, have more exhausted their Purses, then Subsidies would have done.

"Now, my Lords, before I go hence, since God hath made me the
Great

“Great Judge of this Land under him, and that I must answer for the Justice of the same: I will therefore according to my place, remember you of some things, though I would not teach you; For no mans Knowledge can be so good, but their Memories will be the better to be refreshed. And now because you are coming to give Judgment, (all which moves from the King) that you may the better proceed, take in to your care two things, 1. To do *Bonum*. 2. To do it *Bene*.

A “I call *Bonum*, when all is well proved whereupon ye Judge; for then ye build upon a sure Foundation. And by *Bene*, I understand, that ye proceed with all Formality and Legality, wherein you have fit occasion to advise with the Judges, who are to assist you with their Opinions in cases of that nature; and woe be to them, if they advise you not well. So the ground being good, and the form orderly, it will prove a course fitting this High Court of Parliament.

B “In Sentence ye are to observe two parts: First, To recollect that which is worthy of judging and censuring; and secondly, To proceed against these as against such-like crimes properly. We doubt there will be many matters before you; some complained of out of Passion, and some out of just cause of Grievance: Weigh both, but be not carried away with the impertinent discourses of them that name as well Innocent men as guilty. Proceed judicially, and spare none where ye finde just cause to punish: But let your proceedings be according to Law, and remember that Laws have not their Eyes in their Necks, but in their Foreheads. For the Moral Reason for the punishment of Vices in all Kingdoms and Commonwealths, is, because of the Breach of Laws standing in force: For none can be punished for Breach of Laws by Predestination, before they be made.

C “There is yet one particular that I am to remember you of. I hear that Sir Henry Yelverton (who is now in the Tower upon a Sentence given in the Star-Chamber against him, for deceiving my trust) is touched concerning a Warrant Dormant which he made while he was my Attorney. I protest I never heard of this Warrant Dormant before; and I hold it as odious a matter, as any is before you. And if for respect to me ye have forborne to meddle with him in Examination, because he is my Prisoner, I do here freely remit him unto you, and put him into your hands.

D “And this is all I have to say unto you at this time, wishing you to proceed justly and nobly, according to the Orders of your House; and I pray God to bless you, and you may assure your selves of my assistance. E “Wishing that what I have said this day among you, may be entred into the Records of this House.

The Lords pronounced Sentence upon Sir Giles Mompesson, who was fled beyond Sea.

- F 1. **T**hat he shall be degraded of the Order of Knighthood, with reservation of the Dignity of his Wife and Children.
2. That he shall stand perpetually in the degree of his person, Outlawed for Misdemeanor and Trespass.
3. That his testimony be received in no Court, nor he to be of any Inquisition or Jury.
4. That he shall be excepted out of all General Pardons to be hereafter granted.

Sentence given against Sir Giles Mompesson.

1621.

5. That he shall be imprisoned during life.
6. That he shall not approach within Twelve miles of the Court, or Prince, nor of the Kings High Court usually held at Westminster.
7. And that the Kings Majesty shall have the profit of his Lands for life, and all his Goods and Chattels so forfeited; and that he shall undergo Fine and Ransome, which was set at Ten thousand pounds.
8. Disabled to hold or receive any Office under the King, or for the Commonwealth.
9. That he shall be ever held an infamous person.
10. And his Majesty added thereunto perpetual Banishment.

And Sir Francis Michel his Compartment in Projects.

Sir Francis Michel, a Projector, and Mompessons Compartment, was fined One thousand pound, degraded and imprisoned in the same place in Finsbury Fields, which he had prepared for others: For the Tower was thought too honorable for such a person. He rode likewise from Westminster into London with his face to the Horse-tail. Likewise the King revoked his Letter Patents, Commissions, and Proclamations concerning Inns and Ale-houses, and the Manufactures of Gold and Silver Thred.

To these Reformatiōns the King gave encouragement by his Third Speech in Parliament, wherein he declared much against Corruption and Bribery in Judicatures; professing, That no person should be preferred before the publick good, and that no offender should go unpunished. In the same Speech he gave them thanks for the Subsidies given in the beginning of the Parliament, and for the Title of the Grant, and proceeded to open his present state in relation to his Son in Law, the Prince Elector Palatine; how the sums granted by the Act of Subsidy were taken up beforehand for the defence of the Palatinate, and the maintenance of his Children expelled out of their Countrey, and for the raising of an Army for that recovery: That he had procured a short Truce, and did hope to obtain a general peace. But the charges of sending Ambassadors over Christendom, or an Army into the Palatinate, in case a peace were not settled, could not be borne, but by the Grant of more Subsidies. Moreover he protested before God, That he would not dissolve the Parliament till the matters in agitation were finished.

Lord Chancellor Bacon accepted and convicted of Bribery.

Soon after the Lord Chancellor Bacon was proceeded against, and a Conference of both Houses was held concerning him: Where, first, the Commons observed his incomparable good parts, which they highly commended; secondly, They magnified the place he held, from whence Bounty, Justice, and Mercy, were to be distributed to the Subjects; whether all great Causes were drawn, and from whence there was no Appeal, in case of injustice, or wrong done, save to the Parliament. Thirdly, He was accused of great Bribery and Corruption in this eminent place, and the particulars were laid open: Then they concluded that this matter which concerned a person of so great eminency, might not depend long before their Lordships; but that the Examination of Proofs be expedited, that as he shall be found upon tryal, either he or his accusers might be punished.

After this the Marquess of Buckingham, Lord Admiral, declared to the House of Lords, That he had received a Letter from the Chancellor, expressing, that he was indisposed in health, but whither he lived or died, he would be glad to preserve his Honor and Fame as far as he was worthy, desiring to be maintained in their good opinions without prejudice,

prejudice, till his cause was heard; that he should not trick up Innocency with cavillation, but plainly and ingenuously declare what he knew or remembred; being happy, that he had such Noble Peers, and Reverend Prelates to discern of his Cause: That he desired no priviledge of greatness for subterfuge of guiltiness, but meant to deal fairly and plainly with their Lordships, and to put himself upon their Honors and Favors.

A But the Charge came home upon him, infomuch, that he abandoned all defence, and onely implored a favorable judgment in this humble Submission and Supplication to the House of Lords.

May it please your Lordships,

B I shall humbly crave at your hands a benign interpretation of that which I shall now write: For words that come from wasted spirits, and oppressed mindes, are more safe in being deposited to a noble construction, then being circled with any reserved Caution.

This being moved (and as I hope obtained of your Lordships) as a protection to all that I shall say, I shall go on; but with a very strange entrance, as may seem to your Lordships at first: For in the midst of a state of as great affliction as I think a mortal man can endure (Honor being above Life) I shall begin with the professing of gladness in some things.

C The first is, That hereafter the greatness of a Judge or Magistrate, shall be no sanctuary or protection to him against guiltiness, which is the beginning of a Golden Work.

D The next, That after this example, it is like that Judges will shie from anything in the likeness of Corruption (though it were at a great distance) as from a Serpent; which tends to the purging of the Courts of Justice, and reducing them to their true honor and splendor. And in these two points (God is my witness) though it be my fortune to be the Anvile upon which these two effects are broken and wrought) I take no small comfort. But to pass from the motions of my heart, (whereof God is my Judge) to the merits of my Cause, whereof your Lordships are Judges, under God, and his Lieutenant; I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one onely justification, instead of all others, out of the justification of Job. For after the clear submission and confession which I shall now make unto your Lordships, I hope I may say and justify with Job in these words, I have not hid my sin as did Adam, nor concealed my faults in my bosome. This is the onely justification which I will use.

E It resteth therefore, That without Fig-leaves I do ingenuously confess and acknowledge, that having understood the particulars of the Charge, not formally from the House, but enough to inform my conscience and memory: I finde matter sufficient and full, both to move me to desert my Defence, and to move your Lordships to condemn and censure me. Neither will I trouble your Lordships by singling these particulars which I think might fall off. Quid te exempta juvat ipinis de pluribus uva? Neither will I prompt your Lordships to observe upon the proofs where they come not home, or the scruple touching the credits of the Witnesses. Neither will I represent to your Lordships, how far a Defence might in divers things extenuate the Offence, in respect of the time and manner of the guilt, or the like circumstances; but onely leave these things to spring out of your more noble thoughts, and observations of the evidence, and examinations themselves, and charitably to winde about the particulars

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culars of the Charge, here and there, as God shall put into your minds, and so submit my self wholly to your Piety and Grace.

And now I have spoken to your Lordships as Judges, I shall say a few words unto you as Peers and Prelates, humbly commending my Cause to your noble minds, and magnanimous affections.

Your Lordships are not simply Judges, but Parliamentary Judges; you have a further extent of Arbitrary power then other Courts; and if you be not tryed by ordinary course of Courts, or Precedents, in points of strictness and severity, much less in points of Mercy and Mitigation: And yet if any thing which I shall move, might be contrary to your honorable and worthy End (the introducing a Reformation) I should not seek it. But herein I beseech your Lordships to give me leave to tell you a story.

Titus Manlius took his Sons life for giving battel against the Prohibition of his General: Not many years after the like severity was pursued by Papirius Cursor, the Dictator, against Quintus Maximus; who being upon the point to be sentenced, was by the intercession of some particular persons of the Senate spared: Whereupon Livie maketh this grave and gracious observation, Neque minus firmata est Disciplinæ Militaris periculo *Quinti Maximi*, quam miserabili supplicio *Titi Manlii*. The Discipline of War was no less established by the questioning of Quintus Maximus, then by the punishment of Titus Manlius; and the same reason is in the Reformation of Justice. For the questioning of men in eminent places, hath the same terror, though not the same rigor with the punishment. But my Cause stays not there; for my humble desire is, That his Majesty would take the Seal into his hands, which is a great downfal, and may serve I hope in it self for an expiation of my faults.

Therefore if Mercy and Mitigation be in your Lordships power, and no way cross your ends, Why should I not hope of your favor and commiseration? Your Lordships will be pleased to behold your cheif pattern, the King our Sovereign, a King of incomparable Clemency, and whose heart is instructable for Wisdom and Goodness; And your Lordships will remember there sate not these Hundred years before, a Prince in your House, and never such a Prince, whose presence deserveth to be made memorable by Records, and Acts mixt of Mercy and Justice. Your selves are either Nobles (and compassion ever beateth in the Veins of Noble Blood) or Reverend Prelates, who are the Servants of him that would not break the bruised Reed, or quench the smoking Flax. You all sit upon a high stage, and therefore cannot but be sensible of the change of humane conditions, and of the fall of any from high place.

Neither will your Lordships forget, that there are Vicia temporis, as well as Vicia hominis; and the beginning of Reformation hath the contrary power to the Pool of Bethesda; for that had strength to cure him onely that was first cast in, and this hath strength to hurt him onely that is first cast in; and for my part I wish it may stay there, and go no further.

Lastly, I assure my self, your Lordships have a noble feeling of me, as a member of your own Body, and one that in this very Session had some taste of your loving affections, which I hope was not a lightning before the death of them, but rather a spark of that grace which now in the conclusion will more appear: And therefore my humble suit to your Lordships, is, That my penitent Submission may be my Sentence, the loss of my Seal my punishment, and that your Lordships would recommend me to his Majesties Grace and Pardon for all that is past. Gods holy Spirit be among you.

The Parliament not satisfied with this general Acknowledgment, do require

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require the Chancellor either to confess the particulars of the Charge, or they would descend to proof against him. Hereupon he came to an expresse and plain Acknowledgment, even to confess his Servants receipt of a dozen of Buttons, as a gift in a Cause depending before him; and put himself upon their Lordships Mercy. And he further said, "That he
 A "was never noted for an avaritious man; and the Apostle saith, *Covetousness is the root of all evil*; and hoped their Lordships did finde him
 "in a state of Grace, for, that in all particular charges against him,
 "there were few or none that were not almost two years old: Whereas
 "those that have the habit of corruption, do commonly wax worse and
 "worse; and for his estate it was so mean and poor, That his care was now
 "chiefly to satisfie his Debts. The Lords afterwards pronounced him
 guilty of the Charge exhibited against him, and in the presence of the
 Commons gave Sentence, *That he should undergo Fine and Ransome, and
 be made incapable to bear office, &c.*

B This Learned Peer, eminent over the Christian World for his many
 Writings extant in Print, was known to be no admirer of Money, yet
 had the unhappines to be defiled therewith: He treasured up nothing
 either for himself or his family, for he both lived and died in debt; he
 was over indulgent to his Servants, and connived at their takings, and
 their ways betrayed him to that error; they were profuse and expensive,
 and had at command what ever he was master of. The gifts taken were
 C for the most part for interlocutory Orders; his Decrees were generally
 made with so much Equity, that though gifts rendred him suspected for
 injustice, yet never any Decree made by him was reversed as unjust, as it
 hath been observed by some knowing in our Laws.

About the same time Sir Henry Yelverton was accused by the Com-
 mons; who by charging him, rendred him the less offender; and he
 thereby had the opportunity to speak that at the Bar, which he durst not
 say in the Tower, where he was yet a prisoner upon a late Sentence in the
 Star-Chamber, for passing some Clauses in the City Charter, when he was
 D Attorney General, not agreeable to His Majesties Warrant. The matter
 charged against him by the Commons, was for committing divers per-
 sons for not entring into Bonds to restrain their own Trades: That he
 signed Dormant Warrants, having no Authority for the same: That he
 advised the Patents of Gold and Silver Thred, to be resumed into the
 Kings hands, conceiving the same to be a Monopoly, and advised the
 Patentees to proceed by Contract with the King: That Four thousand
 Quo Warranto's were granted by him touching the Patents of Inns, and
 E but two to come to trial: That he commenced divers Suits in the Ex-
 chequer, touching the Gold and Silver Thred, but did not prosecute the
 same.

Sir Henry ac-
 cused by the
 Commons.

Which Charge being read unto him, he said, He thought himself
 happy in the midst of His Majesties disfavor, that His Majesty was plea-
 sed to cast the Grace upon him, as to send him to this Honorable House;
 That Innocence hath her present Answer, but Wisdom requires time
 F Therefore he made it his humble suit, for time to give his further Answer;
 adding withal, That the chief Complaint against him was concerning the
 two Patents of Gold and Silver Thred, Inns and Ofteries. He said,
 That if he deserved well of His Majesty, it was in that matter; That the
 King and Subjects were more abused by that Patent, then by any other;
 and that he suffered at that day for opposing that Patent as he
 took it.

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The King being informed of this passage in his Speech, came in person to the House of Peers, took notice thereof, saying, It seemed strange unto him, that Sir *Henry Yelverton* should be questioned here upon any thing, save the Patent of Gold and Silver Thred: For His Majesty did not conceive that any matter was complained of against him touching the Inns and Osteries, whereof he was also examined: Touching which Patent *Mompesson* had made complaint to His Majesty, that *Yelverton* refused to send any Proces of *Quo Warranto* against a multitude of Innkeepers; and His Majesty accepted *Yelvertons* modest Answer, That he misliked those proceedings against his Subjects. His Majesty to clear himself, did lay open the many former just mislikes which he had against Sir *Henry*, and his gentle proceedings against him for the same. And when His Majesty intended to question him, *Buckingham*, Lord Admiral, besought him not to think of any private wrongs done to his Lordship; His Majesty added, That in the Examination of the business touching the Charter of *London*, *Yelverton* had first justified himself by His Majesties Warrant; and that by that Warrant, he might have given away all *London* from him; yet at length he made a good Submission in the beginning, but in the end he said he had not wronged His Majesty in his Prerogative. And sith that now *Yelverton* doth tax His Majesty, that he suffered for his good service done, His Majesty requires the Lords who are able to do him Justice, to punish *Yelverton* for his slander.

Sir *Henry Yelverton* coming shortly after before the Lords, gave his particular Answer to each particular charge *in serie temporis*, and spake moreover as followeth.

“I Cannot but present my self this day before Your Highness, and my Lords, with much fear, with more grief; for I am-compassed with so many terrors from His Majesty, as I might well hide my head with *Adam*. His Lordships displeasure (meaning *Buckingham*) wounds me more, then the conscience of any these facts; yet had I rather die, then the Commonwealth should so much as receive a scratch from me. I that in none of my actions feared that great man, on whom they (*viz.* Sir *Edward Villers* and Sir *Giles Mompesson*) did depend, much less would I fear them who were but his shadow. But my most Noble Lords, knowing that my Lord of *Buckingham* was ever at His Majesties hand, ready upon every occasion to hew me down, out of the honest fear of a Servant not to offend so gracious a Master as His Majesty hath ever been to me, I did commit them (*videlicet*) the Silkmen.

And speaking concerning the Patent of Inns, he said, “I cannot herein but bemoan my unhappiness, that in the last cause laboring by all lawful means to advance the honest profit of His Majesty; and in this (with the sight almost of my own ruine) to preserve His Majesties honor, and the quiet of the people, I am yet drawn in question, as if I had equally dishonored His Majesty in both.

“When Sir *Giles* saw I would not be wooed to offend His Majesty in his direction, I received a Message by Mr. *Emmerson*, sent me from Sir *Giles*, That I would run my self upon the Rocks, and that I should not hold my place long, if I did thus withstand the Patent of Inns, or to this effect. Soon after came Sir *Giles* himself, and like an Herauld at Arms, told me to this effect, He had a Message to tell me from the Lord of *Buckingham*, that I should not hold my place a moneth, if I did not conform my self in better measure to the Patent of Inns; for

“my

“ my Lord had obtained it by his Favor, and would maintain it by his
 “ Power: How could I but startle at this Message, for I saw here was a
 “ great assuming of power to himself, to place, and displace an Officer; I
 “ saw my self cast upon two main Rocks, either treacherously to forsake
 “ the standing His Majesty had set me in, or else to indanger my self by
 “ a by blow, and so hazard my Fortune.

A “ I humbly beseech your Lordships: Nature will struggle when she
 “ sees her place and means of living thus assaulted; for now it was come
 “ to this, Whither I would obey His Majesty, or my Lord, if Sir *Giles*
 “ spake true. Yet I resolved in this to be as stubborn as *Mordecai*, not to
 “ stoop or pass those gracious Bounds His Majesty had prescribed
 “ me.

B “ Soon after I found the Message in part made good; for all the pro-
 “ fits almost of my place were diverted from me, and turned into an un-
 “ usual Channel, to one of my Lords Worthies, That I retained little
 “ more then the name of Attorney. It became so fatal and so penal, that
 “ it became almost the loss of a Suit to come to me. My place was but as
 “ the seat of Winds and Tempests.

C “ Howbeit, I dare say if my Lord of *Buchingham* had but read the
 “ Articles exhibited in this place against *Hugh Spencer*, and had known
 “ the danger of placing and displacing Officers about a King, he would
 “ not have pursued me with such bitterness. But my opposing my Lord
 “ in this Patent of Inns, in the Patent of Ale-houses, in the Irish
 “ Customs, and in Sir *Robert Nantons* Deputation of his place in the Court
 “ of Wards: These have bin my overthrow, and for these I suffer at this day
 “ in my Estate and Fortune (not meaning to say, I take it, but as I know)
 “ and for my humble oppositions to his Lordship) above Twenty thousand
 “ pounds.

D The King hearing of this Speech, commanded the Lord Treasurer to
 acquaint the House of Lords, That he understood that *Yelverton* being
 called before them the other day as a Delinquent, answered not as a De-
 linquent, but as a Judge, or accuser of a Member of that House the
 Lord of *Buckingham*; saying, He suffered for the Patent of Inns, or to
 that effect: That he was so far from excusing or extenuating of his Of-
 fence the last day here, that he hath aggravated the same. Wherefore
 His Majesties pleasure is, That himself will be judge of what concerns
 His Majesty; for that which concerns the Lord of *Buckingham*, his Lord-
 ship hath besought His Majesty that that might be left to the House, and
 so His Majesty leaves that wholly to their Lordships.

E The Lords made an humble Return to His Majesty, That forasmuch
 as he was once pleased to make their House Judge of those words former-
 ly spoken by Sir *Henry Yelverton*, which touched His Majesties Honor,
 that His Majesty will be pleased not to resume the same out of their hands,
 but so far to tender the Priviledges of their House, as to continue his first
 resolution, which afterwards the King condescended unto.

F The Lords first examining *Emerson* (who varied in the matter he
 was examined about) proceeded to Sentence Sir *Henry Yelverton*, not upon
 the Charge exhibited against him by the Commons, but for the words
 spoken by the by; and declared, That the said Sir *Henry Yelverton* for his
 Speeches uttered here in the Court, which do touch the Kings Majesty his
 Honor, shall be fined to the King in Ten thousand Marks, be imprisoned
 during the Kings pleasure, and make a Submission unto His Majesty. And

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for the scandal committed in these words of his against the Lord Marquess of *Buckingham*, That he should pay him Five thousand Marks, and make his Submission.

As soon as the Judgment was pronounced against him, the Lord Marquess of *Buckingham* stood up, and did freely remit him the said Five thousand marks; for which Sir *Henry* humbly thanked his Lordship, and the House of Peers agreed to move His Majesty to mitigate Sir *Henry Telfertons* Fine, and the Prince his Highness offered to move His Majesty therein; which accordingly was done, and Sir *Henry* was set at liberty, the Duke reconciled to him; he afterwards preferred to be a Judge, and was esteemed a man *Valde eruditus in Lege*.

But the Treaties with the Emperor and the King of *Spain* were much displeased; *Gondomar* had raised the peoples fury, and was reviled and assaulted in *London* streets: Whereupon the day following the Privy Council commanded the Recorder of *London* to be careful in the strict Examination of an Insolent and Barbarous affront offered to the Spanish Ambassador, and his people, for which the King would have exemplary Justice done. And forasmuch as His Majesty was informed that there was a fellow already apprehended, though not for casting stones or threatening the Ambassadors person, as some are said to have done; yet for using railing speeches against him, calling him *Divel*, or words to that purpose, it was His Majesties pleasure that that fellow without any further delay, on the morrow in the forenoon, be publickly and sharply whipt thorow *London*, beginning at *Algate*, and to through the streets, along by the place where the affront was offered, towards Fleetstreet, and so to Temple-Bar, without any manner of favor.

The people were enraged at *Gondomar*, through a persuasion that he abused the King and State to advance the designs of *Spain*.

By means of his power with the King, he had transported Ordinance and other warlike Provisions to furnish the Spanish Arsenals; and it was believed that he underhand wrought the sending of Sir *Rob. Mansel* into the *Mediterranean* Sea, to fall upon the Pirates of *Algier*. The Merchants of this Kingdom by them much infested, being also induced to move for this Expedition, wherein the English fleet performed gallantly, and advancing within the reach of Cannon and small shot, which from the Land showed like Hail upon them, fired the Pirates ships within their own Harbor. Nevertheless hereby our Strength was diverted, our Treasure exhausted, and the Spanish fleet and Merchants secured from those Robbers, and *Spain* left at liberty to assist in subduing the *Palatinate*.

In the mean while our Kings Affairs in *Germany*, notwithstanding the many Complaints, grew more and more desperate.

In *Bohemia* the Emperor having well nigh subdued and settled the Country, proceeded to the Tryal and Execution of the Authors of the late Commotions; some were condemned to perpetual imprisonment, and others to death; and the Heads of many eminent persons were fixt on the Towers in *Praque*, and their bodies quartered. After this the Emperor began both in *Austria* and *Hungaria* to imprison divers that assisted the *Bohemians*, and caused Proces to be made against them. The Marquess of *Sagerndorfe* who stirred in the County of *Glatsburgh*, and raised forces by Commission from the Elector *Palatine*, published Letters against the Executions in *Bohemia*, as cruel and barbarous.

The Emperor put forth an Answer, and said, That the Marquess published those things maliciously; forasmuch as in *Bohemia* was the Original

Gondomar reviled and assaulted in *London* streets.

Sir *Rob. Mansel* sent into the *Mediterranean* Sea.

The Emperor calls in question the Authors of the Commotions in *Germany*.

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nal sedition, and the head that infected the members: That some few persons, Authors of the troubles, not in hatred of their Religion, but for their Rebellion, have been punished by the hand of Justice. And he declared further, That the like exemplary Justice should not be done in other places, but that the Articles of the Peace should be observed.

The King intends to adjourn the Parliament.

A By this time the Parliament having sate about four moneths, King James was desirous to give them a time of vacancie. The Lord Treasurer by the Kings command declared unto the Houses, That his Majesty by the advice of his Privy Council thought fit to adjourn the Parliament, lest the season of the year, by the continual concourse of people, should cause Infection. Also, that the Lieutenans and Justices might be in the Country; And the Adjournment keeping the Parliament still in being, was better then Proroguing. That his Majesty had already redressed corruption in Courts of Justice, and by his Proclamation called in the Patents of Inns, of Osteries, and of Gold and Silver-Thread, and cherished the Bill against Informers and Monopolies.

The Commons take it not well.

B The Commons were troubled at this Message, and desired a Conference with the Lords, and moved them to petition the King to forbear the Adjournment. The King takes notice of it; and the Treasurer acquainted the Lords, that a Petition of this nature could not be pleasing to his Majesty, it seeming to derogate from his Prerogative, who alone hath power to call, adjourn, and determine Parliaments. The Commons, at a further Conference, declared their hearty sorrow and passionate grief at the Kings resolution; which they said cut off the performance of what they had consulted, and promised for the Publique weal.

C The Lords sitting in their Robes, the King came and made a Speech, takes notice of his Message to both Houses, and gave their Lordships thanks for obeying the same, and acknowledging his power to call, adjourn, and dissolve Parliaments, and for refusing to join with the Commons in the Petition for Non-adjournment. And whereas some had given out, that no good had been done this Parliament; He put them in mind, that the two Patents grievous to the Commonwealth were called in, and that the Parliament had censured the Offenders for an example to all ages. And if they desired it, he offered them eight or ten days longer sitting to expedite Bills; but said, that at the request of the Commons he would not grant it. The Lords had a Conference with the Commons; after which they moved the King to continue their sitting for fourteen days, which was granted, and the Commons were satisfied with the resolution of Adjournment.

D E A Committee of both Houses afterwards attending the King, he told them how ill he took it, that the Commons should dispute his reasons of Adjournment; all power being in him alone to call, adjourn, prorogue, and dissolve Parliaments. And on June 4. he declared for an Adjournment till November following; And that he will in the mean time of his own authority redress Grievances. And his Majesty as General Bishop of the Land, did offer his prayers to God for both the Houses; and admonished them, That when they go into the Country, they give his people a good accompt and satisfaction both as to the Proceedings, and to the Adjournment of the Parliament.

The King repents it.

F The House of Commons immediately before their recess, taking to heart the miseries of the *Palatinate*, resolved that the drawing back in so good a Cause should not be charged on their slackness; And thereupon drew up this following Declaration with an universal consent.

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The Commons Declaration touching the Palatinate.

The Commons assembled in Parliament taking into most serious consideration the present state of the Kings Children abroad, and the generally afflicted estate of the true Professors of the same Christian Religion professed by the Church of England, in foreign parts; And being touched with a true sense and fellow-feeling of their distresses, as Members of the same Body, do with unanimous consent in the name of themselves, and the whole body of the Kingdom (whom they represent) declare unto his most excellent Majesty, and to the whole World, their hearty grief and sorrow for the same; and do not only join with them in their humble and devout prayers unto Almighty God to protect his true Church, and to avert the dangers now threatened, but also with one heart and voice do solemnly protest, That if his Majesties pious endeavors by Treaty, to procure their peace and safety, shall not take that good effect which is desired in Treaty, (Wherefore they humbly beseech his Majesty not to suffer any longer delay) That then upon signification of his Majesties pleasure in Parliament, they shall be ready to the utmost of their powers, both with their lives and fortunes to assist him so, as that by the Divine help of Almighty God (which is never wanting unto those who in his fear shall undertake the Defence of his own Cause) he may be able to do that with his sword, which by a peaceable course shall not be effected.

The King by Proclamation reforms the late grievances handled in Parliament.

After the recess of Parliament, the King by Proclamation declared his Grace to his Subjects in matters of Publique Grievance: And taking notice that many great affairs debated in Parliament could not be brought to perfection in so short a time, And that the Commons thought it convenient to continue the same Session in course of Adjournment; And withall observing that divers of those Particulars required a speedy determination and settlement for his peoples good, and that they are of that condition and quality, as that he needeth not the assistance of Parliament to reform the same, and would have reformed them before the Parliament, if the true state of his Subjects Grievances had been made known unto him; He hath determined, and doth declare an immediate redress therein by his own Regal authority, as in the business of Informers, of Miscarriages of Ministers in Chancery, of the Patents for Gold and Silver-Thread, for Licensing Pedlers and Petty-Chapmen, for the sole Dressing of Arms, for the Exportation of Lists and Shreds, and for the sole making of Tobacco-pipes, Cards, and the like. And besides the redress of these Grievances, he will enlarge his grace unto other kinds for the Subjects ease; And that both his own, and the ears of his Privy-Council shall be open to his Peoples modest and just Complaints.

Puts forth another Proclamation against Talking of State-affairs.

Moreover, a second Proclamation was issued forth against Excess of Licentious speech touching State-affairs: For notwithstanding the strictness of the Kings former Command, the Peoples inordinate liberty of unreverend speech increased daily. Wherefore the King threatened severity as well against the Concealers of such Discourses, as against the boldness of Audacious Tongues and Pens.

The King is solicited from Spain to enlarge his favors towards Catholicks.

On the Tenth of July, John Williams Doctor of Divinity, and Dean of Westminster, was sworne Keeper of the Great Seal of England.

The King was plyed from Spain and Rome, to enlarge his favors to Popish Recusants: For, reports were then brought to Rome, That the Catholicks of England, Scotland, and Ireland were cruelly used. And besides

sides this there went a rumor, that King *JAMES* in a Speech in Parliament had declared, That notwithstanding the Marriage with *Spain*, the English Catholicks should not be one jot in better condition. But the King said no more then this, "That if any of that party did grow insolent, let his People count him unworthy to reign, if he gave not extraordinary punishment. Thus was the King entangled in the ways which he had chosen: For it was not possible for him at once to please his People, and to satisfy his Foreign Interests.

About the same time the Lord *Digby*, who was sent Ambassador to the Emperor, had Audience at *Vienna*. The principal heads of his Embassy were these. That the Elector Palatine, and the Children of the King of Great Britain his Master, might be received into the Emperors favor, and restored to all their Hereditary Goods, and the Prince Elector himself to the Title which he enjoyed before the troubles of Bohemia: That the Ban Imperial published against him should be revoked, and the execution thereof suspended; which being done, the King of Great Britain will undertake that the Palatine shall render due obedience to his Imperial Majesty, and submit to Conditions meet and honest.

To these Demands he received Answer, "That the Emperor had a very good will to gratify the King of Great Britain, and those other Kings and Princes that had made the same request for the Palatine: But he could not grant it, because the Palatine to this hour useth the Councils of many of the Electors and Princes, in opposition to the Emperor; And when the Emperor had agreed to a Cessation of Arms, according to the desires of the King of Great Britain, and had ordered the suspending of all Hostility in the Lower Palatinate, at the same time the Palatine gave Commission to raise Forces and do acts of Hostility, which was put in execution by Count *Mansfeld* and Marquis *Fagerndorf*, to begin new troubles in *Bohemia*, *Silesia*, and *Moravia*. Nevertheless the Emperor having appointed an Assembly to meet at *Ratisbone*, will there make known the desires of the King of Great Britain, who shall know what Resolution is there taken concerning the Palatine.

Albert Archduke of *Flanders*, at the request of King *JAMES*, had made intercession for the *Palsgrave*. After his decease, the Archduchess his wife continued the same mediation by Letters to the Emperor. And withall, the Kings Ambassador further proposed these Conditions for a Cessation of Arms, and a Suspension of the Ban Imperial; That *Mansfeld* and *Fagerndorf* shall observe the Agreement, otherwise the Prince Palatine shall revoke their Commissions, and declare them his Enemies, and that their Garrisons in *Bohemia* shall be rendred to the Emperor.

The Emperor answered the Archduchess, That the Archduke her husband in his life-time had exceedingly recommended the Interposition of the King of Great Britain, and the great prudence of that King in not approving the Actions of the Palatine: Which Recommendation, as to a Treaty and Cessation of Arms, he shall entertain, and consult thereupon with the Deputies of the Electors and Princes of the Empire.

The English Ambassador departed from *Vienna* to the Duke of *Bavaria*, who had then entred the Upper Palatinate, and had published the Emperors Declaration against *Mansfeld* and his Adherents, and exhorted the States and Princes there to execute the same; and the rather, for that he had not heard of any King, Elector, Prince or State, no not so much as the King of Great Britain, that had approved the seditious Revolt of the *Bohemians*, except some few States and Princes who for interest

The chief heads of the Lord *Digby's* Embassy to the Emperor.

The Emperors Reply to those Demands.

The L. *Digby's* second Proposal to the Emperor.

The Emperors Answer.

The English Ambassador goes to the Duke of *Bavaria*.

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interest did countenance the same. The Ambassador found the *Bavarian* acting hostility and committing great spoils in the Country, and resolving to reject all Propositions of Peace or Cessation. Nor could the Emperor agree upon any Truce without the Duke of *Bavaria*: First in respect of his agreement neither to make War or Peace without the consent of the said Duke; which happened, because upon the former Truce made with the Archduke, the Soldiers that were in the *Lower Palatinate*, and wanted employment, came up into the *Higher Palatinate* to Count *Mansfeld*, and much infested the Duke of *Bavaria*. Secondly, in regard the Duke of *Bavaria* had a great part of *Austria* in pledge for his satisfaction. Thirdly, because the Emperor was barred from all other passages but through *Bavaria*, by *Bethlem Gabor*, *Fagerndorf*, and *Budiani*. And the Duke, upon receipt of the Emperors Letter touching the Truce, sent the Lord *Digby* a deriding Answer; *That there was no need to labor for a Truce, for the Wars were at an end, in that he agreed with Count Mansfeld; nor did he doubt of keeping both Palatinates in peace, till the Emperor and Palsgrave were agreed.* So the King received but a slender return of the Lord *Digby's* Embassie to the Emperor for the restoring of the Elector *Palatine*. But the Emperors full meaning in the business may be found at large in his own Letter to *Don Baltazar de Zuniga*, a prime Councillor of State in *Spain*, to be by him represented to the King his Master, to this effect.

The Empe-
rors Letter
to Don Bal-
zar de Zuniga.

That beholding the admirable providence of God over him, he is bound to use that most notable Victory to the honor of God, and the extirpation of all Seditions and Factions, which are nourished chiefly among the Calvinists; lest that Judgment which the Prophet threatened the King of *Israel* should fall upon him; Because thou hast dismissed a man worthy of death, thy soul shall be for his soul. The *Palatine* keeps now in *Holland*, not only exiled from the Kingdom which he rashly attempted, but despoiled almost of all his own Territories, expecting as it were the last cast of Fortune: whom if by an impious kind of commiseration, and his subtile petitioning, he shall be perswaded to restore, and nourish in his bosom as a trodden half-living snake, what can he expect lest then a deadly sting from him, who in regard of his guilt can never be faithful, but will alway gape for occasions to free himself from his fears, and the genius of whose sect will make him an Enemy, or an unsound Friend, to the House of *Austria*, and all other Catholick Princes.

Wherefore firmly casting in his minde, that the *Palatine* cannot be restored, He hath freely offered the Electorate to the Duke of *Bavaria*, a most eager Defender of the Catholick cause; by which means the Empire will always remain in the hand of Catholicks, and so by consequence in the House of *Austria*: And in so doing he shall take away all hope from the *Palatine*, and those that sollicite so importunately for his restitution; And it is to be hoped that the Lutheran Princes, especially the Duke of *Saxony*, will not so far disallow this translation as to take up Arms, seeing *Charls the Fifth* upon a far lighter cause deprived *John Frederick Duke of Saxony* of the Electorate, and conferred it on *Maurice* this Dukes great Uncle: Besides, no less is the Lutherans hatred of the Calvinists, then of the Catholicks.

Such were the effects which the Kings Treating had wrought with the Emperor.

The Parliament that was to meet *November* the Fourteenth, the King by Proclamation adjourned to the Eighth of *February*, and expressed the cause to be the unseasonableness of the time of the year. But this

long

19 *Jacobi.*

The Parli-
ment begins
again, Nov.
20.

The Substance
of the Lord
Keepers
Speech.

Lord Digby's
Speech.

long *Recess* was shortned, and the King declared, That upon Important Reasons he had altered his former Resolutions, and did adjourn it for no longer time then from the Fourteenth to the Twentieth of this instant *November*.

Upon which day it Reassembled, and the King being absent by reason of his indisposition in health, commanded a Message to be delivered to both Houses, by the Lord Keeper, the Lord *Digby*, and the Lord

A Treasurer.

In the first place he acquainted the Two Houses with His Majesties indisposition of health, which was the occasion of his absence at the opening of the Parliament, yet he could not say he was absent, so long as he was represented by a Son, who was as dear to the Kingdom as to His Majesty. As to the occasion of calling the Parliament by way of *Antecedent*, he took notice of several effects of His Majesties gracious care over the Nation, since the last *Recess* of the Parliament in His Majesties answering several Petitions concerning Trade, Importation of Bullion, Conservation of Coyn in the Land, and prohibiting the Transportation of Iron Ordinance; and that His Majesty by His Proclamation reformed Thirty six or thirty seven several matters complained of as Publick Grievances, all of them without the least Trucking or Merchandising with the People, a thing usual in former times. He further said, That His Majesty did principally fix the occasion of the calling a Parliament upon the Declaration Recorded, and divulged far and near by the Representative Communalty of this Kingdom, to assist His Majesty to carry on the War to recover the *Palatinate*; yet withal his Lordship gave an account how His Majesty was since the last Parliament, encouraged to travel a little longer in his pious endeavors to procure a peace by way of Treaty, and that the Lord *Digby* was sent Ambassadour upon that occasion, and since returned, but not with such success as was to be hoped for. He minded both Houses of one Heroical Act of His Majesties since the last Parliament, in the advancement of Forty thousand pounds to keep together a Body of an Army in the Lower *Palatinate*, which otherwise had been dissolved before this Parliament could be assembled: And that unless the Parliament take further resolution, and imitate rather Ancient then Modern principles, and be expeditious in what they do, the Army in the *Palatinate* will fall to the ground. And lastly, Told them that His Majesty did resolve that this Parliament should continue till seven or eight days before the Festivals, and to be renewed again the eighth of *February*, to continue for the Enacting of Laws and Perioding of things of Reformation, as long as the necessity of the State shall require the same.

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After the Lord Keeper had done, the Lord *Digby* (having received a Command from His Majesty to that purpose) gave a brief account of his Negotiation with the Archduke about the Treaty of Peace; how the Archduke consented thereunto, and writ accordingly to the Emperor and the King of *Spain* of his proceedings; who also writ to *Spinola* for a Collation of Arms, the Archduke having the Command of the Spanish forces in *Germany*; but the Duke of *Bavaria* would not consent thereunto; and the Lord *Digby* informed the two Houses, that by the carriage of the Duke of *Bavaria*, and by other circumstances, he did evidently discover, That from the beginning that Duke affected to get unto himself the *Palatinate*, and the Title of Elector. He further declared, That it

Count

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Lord Treasurer's Speech.

The Commons Petition and Remonstrance to the King.

Count *Mansfield* was not speedily supplied, he could not keep his Army together. Then he gave an account, how bravely Sir *Horatio Vere* had behaved himself in the *Palatinate*, and that by his wisdom and valor, there was kept from the enemy, *Heidelberg*, *Mainheim*, and *Frankendale*; the last of which places had then endured a moneths siege. He also spoke Honorably of Capt. *Burroughs*, and concluded, That the fittest Redress was to furnish and keep up the Army already there; which must be done by supplies of Money, and more Forces must be prepared against the next Spring, that we may have there an Army of our own for the strengthening of the *Palatinate*, and encouragement of the Princes of the Union.

Then the *Lord Treasurer* spake, and acquainted both Houses; how empty the Kings Coffers were, and how he had assisted the *Palatine*, and Princes of the Union, with great sums which had exhausted his Treasure, and that His Majesty was much in debt.

Nevertheless, though the King declared for War, he pursued Peace, and resolved to close with *Spain*, hoping to heal the Breach by that Alliance. The House of Commons before they granted Subsidies, resolved to try the Kings Spirit by this *Petition* and *Remonstrance*, which laid open the distempers of those times, with their causes and cures.

Most Gracious and Dread Sovereign,

WE Your Majesties most Humble and Loyal Subjects, the Knights, Citizens, and Burgeses, now Assembled in Parliament, who represent the Commons of Your Realm, full of hearty sorrow, to be deprived of the Comfort of Your Royal Presence, the rather for that it proceeds from the want of Your health; wherein we all unfeignedly do suffer; In all humble manner calling to minde Your Gracious Answer to our former Petition concerning Religion, which notwithstanding Your Majesties Pious and Princely intentions, hath not produced that good effect, which the danger of these times doth seem to us to require: And finding how ill Your Majesties goodness hath been requited by Princes of different Religion, who even in time of Treaty have taken opportunity to advance their own ends, tending to the subversion of Religion, and disadvantage of Your Affairs, and the Estate of Your Children: By reason whereof, Your ill affected Subjects at home, the Popish Recusants, have taken too much encouragement, and are dangerously increased in their number, and in their insolencies. We cannot but be sensible thereof, and therefore humbly represent what we conceive to be the causes of so great and growing Wicchefts, and what be the Remedies.

I. The Vigilancy and Ambition of the Pope of Rome, and his dearest Son, the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.

II. The Devilish Positions and Doctrines, whereon Popery is built and taught with Authority to their followers, for advancement of their Temporal ends.

III. The distressed and miserable estate of the Professors of true Religion in Foreign parts.

IV. The Disastrous accidents to Your Majesties Children abroad, expressed with rejoycing, and even with contempt of their persons.

V. The

V. The strange Confederacy of the Princes of the Popish Religion, aiming mainly at the advancement of theirs, and subverting of ours, and taking the advantages conducing to that end upon all occasions.

VI. The great and many Armies raised, and maintained at the charge of the King of Spain, the cheif of that League.

A VII. The expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great hopes of the consequences thereof.

VIII. The interposing of Foreign Princes and their Agents, in the behalf of Popish Recusants, for countenance and favor unto them.

IX. Their open and usual resort to the Houses; and which is worse, to the Chappels of Foreign Ambassadors.

B X. Their more then usual concourse to the City, and their frequent Conventicles and Conferences there.

XI. The education of their Children in many several Seminaries and Houses of their Religion in Foreign parts, appropriated to the English Fugitives.

XII. The Grants of their just Forfeitures intended by Your Majesty as a Reward of Service to the Grantees; but beyond Your Majesties intention, transferred or compounded for, at such mean rates, as will amount to little less then a Toleration.

C XIII. The Licentious Printing and dispersing of Popish and Seditious Books, even in the time of Parliament.

XIV. The swarms of Priests and Jesuits, the Common Incendiaries of all Christendom, dispersed in all parts of your Kingdom.

And from these causes as bitter Roots, we humbly offer to Your Majesty, That we foresee and fear there will necessarily follow very dangerous effects, both to Church and State. For,

D I. The Popish Religion is incompatible with ours, in respect of their Positions.

II. It draweth with it an unavoidable dependency on Foreign Princes.

III. It openeth too wide a gap for Popularity, to any who shall draw too great a party.

E IV. It hath a restless spirit, and will strive by these Gradations; if it once get but a countenance, it will press for a Toleration; if that should be obtained, they must have an equality; from thence they will aspire to Superiority, and will never rest till they get a Subversion of the true Religion.

The Remedies against these growing Evils, which in all Humility we offer unto Your most Excellent Majesty, are these.

F I. That seeing this inevitable necessity is laid upon Your Majesty, which no Wisdom or Providence of a peaceable and pious King can avoid, Your Majesty would not omit this just occasion, speedily and effectually to take Your Sword into Your hand.

II. That once undertaken upon so honorable and just grounds, Your Majesty would resolve to pursue, and more publickly avow the aiding of those of our Religion in Foreign parts, which doubtless would reunite the Princes and States of the Union, by these disasters disheartened and disbanded.

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III. That Your Majesty would propose to Your Self to manage this War with the best advantage, by a diversion or otherwise, as in Your deep judgment shall be found fittest, and not to rest upon a War in these parts onely, which will consume Your Treasure, and discourage Your People.

IV. That the bent of this War, and point of Your Sword, may be against that Prince (whatsoever opinion of potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the Palatinate.

V. That for securing of our Peace at home, Your Majesty will be pleased to review the parts of our Petition formerly delivered unto Your Majesty, and hereunto annexed, and to put in execution by the care of choice Commissioners to be thereunto especially appointed, the Laws already, and hereafter to be made for preventing of dangers by Popish Recusants, and their wonted evasions.

VI. That to frustrate their hopes for a future age, our most Noble Prince may be timely and happily married to one of our own Religion.

VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill-affected and suspected in their Religion, now beyond the Seas, may be forthwith called home by your means, and at the charge of their Parents or Governors.

VIII. That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up during their Minority with Protestant Schoolmasters and Teachers, who may sow in their tender years the Seeds of true Religion.

IX. That Your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travel beyond the Seas, and not grant any such Licence hereafter.

X. That Your Majesties Learned Council may receive Commandment from Your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can; and that Your Majesty will stay Your Hand from passing any such Grants hereafter.

This is the sum and effect of our humble Declaration, which we (no ways intending to press upon Your Majesties undoubted and Regal Prerogative) do with the fulness of our Duty and Obedience, humbly submit to Your most Princely consideration: The glory of God whose cause it is; the zeal of our true Religion, in which we have been born, and wherein (by Gods grace) we are resolved to die; the safety of Your Majesties person, who is the very life of Your people; the happiness of Your Children and Posterity; the honor and good of the Church and State dearer unto us then our own lives, having kindled these affections truly devoted to Your Majesty.

And foring out of our duty to Your Majesty we have already resolved to give at the end of this Session, one intire Subsidy, for the present relief of the Palatinate onely, to be paid in the end of February next, which cannot well be effected but by passing a Bill in a Parliamentary course before Christmas; We most humbly beseech Your Majesty (as our assured hope is) that You will then also vouchsafe to give life by Your Royal Assent to such Bills as before that time shall be prepared for Your Majesties honor, and the general good of Your people: And that such Bills may be also accompanied (as hath been accustomed)

accustomed) with Your Majesties Gracious Pardon, (which proceeding from Your own mer Grace, may by Your Highness Direction be drawn to that Latitude, and Extent, as may best sort with Your Majesties bounty and goodness. And that not onely felons and Criminal Offenders may take benefit thereof, but that Your good Subjects may receive ease thereby. And if it shall so stand with Your good pleasure, That it may extend to the relief of the old Debts and Duties to the Crown before the First year of Your Majesties Reign, to the discharge of Alienations without Licence, and misusing of Liberties, and Oustre le Maine before the first Summons of this Parliament, and of concealed Wardships, and not suing of Liberties, and Oustre le Maines before the Twelfth year of Your Majesties Reign. Which gracious Favor would much comfort Your good Subjects, and ease them from vexation, with little loss or prejudice to Your own profit.

And we by our daily and devout Prayers to the Almighty, the Great King of Kings, shall contend for a blessing upon our endeavors; and for Your Majesties long and happy Reign over us; and for Your Childrens Children after You for many and many Generations.

The House had sufficient cause to set forth the danger of true Religion, and the Miseries of the Professors thereof in Foreign parts; when besides the great wound made in *Germany*, and the cruelties of the prevailing House of *Austria*, the Protestants in *France* were almost ruined by *Lewis* the Thirteenth, being besieged at once in several places, as in *Montauban* by the King, and in *Rochel* by Count *Soysons*, and the Duke of *Guise*: And for their relief, the King of *England* prevailed nothing by sending of Sir *Edward Herbert*, since Baron of *Cherbury*, and after him the Viscount *Doncaster*, Ambassador for Mediation.

At this time the Protestants are ill treated in France.

The King having Intelligence of the former Remonstrance, wrote this Letter to the Speaker.

To Our Trusty and Welbeloved Sir *Thomas Richardson* Knight, Speaker of the House of COMMONS.

Mr. Speaker,

WE have heard by divers Reports, to our great grief, That our distance from the Houses of Parliament, caused by our indisposition of health, hath imboldned the fiery and popular Spirits of some of the House of Commons, to argue and debate publickly of the matters far above their reach and capacity, tending to our high dishonor, and breach of Prerogative Royal. These are therefore to command you to make known in our Name unto the House, That none therein shall presume henceforth to meddle with anything concerning our Government, or deep matters of State, and namely not to deal with our dearest Sons Match with the Daughter of Spain, nor to touch the honor of that King, or any other our Friends and Confederates: And also not to meddle with any mans particulars, which have their due motion in our ordinary Courts of Justice. And whereas we hear they have sent a Message to Sir *Edwin Sandis*, to know the reasons of his late restraint, you shall in our Name resolve them,

The Kings Letter to Sir Tho. Richardson.

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That it was not for any misdemeanor of his in Parliament; but to put them out of doubt of any question of that nature that may arise among them hereafter, you shall resolve them in our Name, That we think our self very free and able to punish any mans misdemeanors in Parliament, as well during their sitting as after: Which we mean not to spare hereafter, upon any occasion of any mans insolent behavior there that shall be ministred unto us: And if they have already touched any of these points, which we have forbidden, in any Petition of theirs which is to be sent unto us, it is our pleasure that you shall tell them, That except they reform it before it come to our hands, we will not deign the hearing nor answering of it.

Dated at New-Marker, 3 Dec. 1621.

Hereupon they drew up another Petition, which they sent accompanied with the former *Remonstrance*.

Most Dread and Gracious Sovereign,

The Commons
send the
Remonstrance
accompanied
with another
Petition.

WE your most humble and loyal Subiects, the Knights, Citizens, and Burgeses, Assembled in the Commons House of Parliament, full of grief, and unspeakable sorrow, through the true sence of your Majesties displeasure, expressed by your Letter lately sent to our Speaker, and by him related and read unto us: Yet comforted again with the assurance of your grace and goodness, and of the sincerity of our own intentions and proceedings, whereon with confidence we can relye, In all humbleness beseech your most Excellent Majesty, that the loyalty and dutifulness of as faithful and loving Subiects as ever served, or lived under a gracious Sovereign, may not undeservedly suffer by the mis-information of partial and uncertain Reports, which are ever unfaithful Intelligencers: But that your Majesty would in the clearness of your own Judgment, first vouchsafe to understand from our selves, and not from others, what our humble Declaration and Petition (resolved upon by the Universal voice of the House, and proposed with your gracious Favor to be presented unto your Sacred Majesty) doth contain. Upon what occasion we entred into consideration of those things which are therein contained, with what dutiful respect to your Majesty, and your service, we did consider thereof, and what was our true intention thereby. And that when your Majesty shall thereby truly discern our dutiful affections, you will in your Royal Judgment free us from those heavy charges wherewith some of our Members are burthened, and wherein the whole House is involved.

And we humbly beseech your Majesty, that you will not hereafter give credit to private Reports, against all or any of the Members of our House, whom the whole have not censured, until your Majesty have ben truly informed thereof from our selves: And that in the mean time, and ever, we may stand upright in your Majesties grace and good opinion, than which no worldly consideration is, or can be dearer unto us.

When your Majesty had Reassembled us in Parliament by your Royal Commandment, sooner then we expected, and did vouchsafe by the mouths of three honorable Lords, to impart unto us the weighty occasions moving your Majesty thereunto; and from them we did understand these particulars.

That

That notwithstanding your Princely and pious endeavours to procure peace, the time is now come that Janus Temple must be opened.

That the voice of Bellona must be heard, and not the voice of the Turtle.

That there was no hope of peace, nor any truce to be obtained, no not for a few days.

A That your Majesty must either abandon your own Children, or engage your self in a War, wherein consideration is to be had, what Foot, what Horse, what Money will be sufficient.

That the Lower Palatinate was seized upon by the Army of the King of Spain, as Executor of the Ban there in quality of Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria.

That the King of Spain at his own charge, had now at least five Armies on foot.

B That the Princes of the Union were disbanded, but the Catholick League remained firm, whereby those Princes so discovered, were in danger one by one to be ruined.

C That the estate of those of the Religion in foreign parts was miserable; and, that out of these considerations we were called to a War, and forthwith to advise for a supply for keeping the forces in the Palatinate from disbanding, and to foresee the means for raising and maintaining the Body of an Army for the War against the Spring. We therefore out of our zeal to your Majesty and your Posterity, with more alacrity and celerity than ever was presented in Parliament, did Address our selves to the service commended unto us. And although we cannot conceive, That the honor and safety of your Majesty and your Posterity, the Patrimony of your Children invaded, and possessed by their enemies, the welfare of Religion, and State of your Kingdom, are matters at any time unfit for our deepest consideration in time of Parliament; And though before this time we were in some of these points silent, yet being now invited thereunto, and led on by so just an occasion, we thought it our duties to provide for the present supply thereof, and not onely to turn our eyes on a War abroad, but to take care for the securing of our peace at home, which the dangerous increase and insolency of Popish Recusants apparently, visibly, and sensibly, did lead us unto. The consideration wherof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the causes, what we feared would be the effects, and what we hoped might be the remedies of these growing Evils; among which, as incident and unavoidable, we fell upon some things which seem to touch upon the King of Spain, as they have relation to Popish Recusants at home, to the Wars by him maintained in the Palatinate against your Majesties Children, and to his several Armies now on foot, yet as we conceived without touch of dishonor to that King, or any other Prince your Majesties Confederate.

E In the Discourse whereof, we did not assume to our selves any power to determine of any part thereof, nor intend to inroach or intrude upon the Sacred Bounds of Your Royal Authority, to whom, and to whom onely, we acknowledge it doth belong to resolve of Peace, and War, and of the Marriage of the most Noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom (who have a large Interest in the happy and prosperous estate of your Majesty, and your

Royal

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Royal Posterity, and of the flourishing estate of our Church and Commonwealth) did resolve out of our Cares and Fears, truly and plainly to demonstrate these things to your Majesty, which we were not assured could otherwise come so fully and clearly to your knowledge; and that being done, to lay the same down at your Majesties feet, without expectation of any other Answer of your Majesty touching these higher points, then what at your good pleasure, and in your own time should be held fit.

This being the effect of that we had formerly resolved upon, and these the Occasions and Reasons inducing the same, Our humble suit to your Majesty and confidence is, That your Majesty will be graciously pleased to receive at the hands of these our Messengers, our former humble Declaration and Petition, and vouchsafe to read and favorably to interpret the same; and that to so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the Passage of Bills, and Granting your Royal Pardon, you will vouchsafe an Answer unto us.

And whereas your Majesty by the general words of your Letter, seemeth to restrain us from intermeddling with Matters of Government, or Particulars which have their motion in the Courts of Justice, the generality of which words in the largeness of the extent thereof, (as we hope beyond your Majesties intention) might involve those things which are the proper Subjects of Parliamentary occasions and discourse.

And whereas your Majesty doth seem to abridge us of the Antient Liberty of Parliament for freedom of Speech, Jurisdiction, and Just Censure of the House, and other proceedings there (wherein we trust in God we shall never transgress the bounds of Loyal and Dutiful Subjects) a Liberty which we assure our selves, so Wise and so Just a King will not infringe, the same being our antient and undoubted Right, and an Inheritance received from our Ancestors; without which we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your Majesty: In which we have been confirmed by your Majesties most gracious former Speeches and Messages. We are therefore now again enforced in all humbleness to pray your Majesty to allow the same, and thereby to take away the Doubts and Scruples your Majesties late Letter to our Speaker hath wrought upon us.

So shall we your loyal and loving Subjects ever acknowledge your Majesties Justice, Grace, and Goodness, and be ready to perform that service to your Majesty, which in the true affection of our hearts we profess, and pour out our daily and devout Prayers to the Almighty for your Majesties long life, happy and religious Reign, and prosperous Estate, and for your Royal Posterity after you for ever.

The King having rejected the first Petition, gave to the later this Answer following.

The Kings
Answer to the
later Petition.

WE must here begin in the same fashion that we would have done, if the first Petition had come to our hands before we had made a stay thereof, which is to repeat the first words of the late Queen of famous memory, used by her, in answer to an Insolent

“solent Proposition made by a *Polonian* Ambassador unto her; that is,
 “*Legatum expectabamus, Heraldum accipimus*. For we had great reason to
 “expect that the first Message from your House should have been a
 “Message of Thanksgiving for our continued gracious behavior to-
 “wards our people, since your last Recess; not only by our Proclama-
 “tion of Grace, wherein were contained Six or seven and thirty Arti-
 “cles, all of several points of Grace to the people; but also by the
 A “labor we took for the satisfaction of both Houses in those three Articles
 “recommended unto us in both their names, by the Right Reverend Fa-
 “ther in God; the Archbishop of *Canterbury*, and likewise for the good
 “Government of *Ireland*, we are now in hand with, at your request; but
 “not only have we heard no news of all this, but contrary, great com-
 “plaints of the danger of Religion within this Kingdom, tacitely im-
 “plying our ill Government in this point. And we leave you to judge,
 B “whether it be your duties that are the Representative Body of our peo-
 “ple, so to distaste them with our Government; whereas by the con-
 “trary it is your duty, with all your endeavors, to kindle more and more
 “a dutiful and thankful love in the peoples hearts towards us, for our just
 “and gracious Government.

“Now whereas in the very beginning of this your Apology you tax
 “us in fair terms of trusting uncertain Reports, and partial Informations
 “concerning your proceedings, we wish you to remember that we are an
 “old and experienced King, needing no such Lessons, being in our Con-
 C “science freest of any King alive from hearing or trusting idle Reports,
 “which so many of your House as are nearest us, can bear witness unto
 “you, if you would give as good ear to them, as you do to some Tribu-
 “nial Orators among you: And for proof in this particular, we have
 “made your own Messengers confer your other Petitions sent by you,
 “with the Copy thereof, which was sent us before: Between which, there
 “is no difference at all; but that since our receiving the first Copy, you
 “added a conclusion unto it, which could not come to our hands, till it
 D “was done by you, and your Messengers sent, which was all at one time.
 “And if we had had no Copy of it before-hand, we must have received
 “your first Petition to our great dishonor, before we had known what it
 “contained, which would have enforced us to return you a far worse An-
 “swer, then now we do; for then your Messengers had returned with
 “nothing, but that we have judged your Petition unlawful, and unwor-
 “thy of an Answer: For as to your conclusion thereof, it is nothing but
 “*Protestatio contraria facto*; for in the Body of your Petition, you usurpe
 E “upon our Prerogative Royal, and meddle with things far above your
 “reach, and then in the conclusion you protest the contrary; As if a
 “Robber would take a mans purse, and then protest he meant not to rob
 “him. For first you presume to give us your advice concerning the
 “Match of our dearest Son with some Protestant (we cannot say Prin-
 “cess, for we know none of these fit for him) and dissuade us from his
 “Match with *Spain*, urging us to a present War with that King; and
 “yet in the conclusion, forsooth, ye protest ye intend not to prels upon
 F “our most undoubted and Regal Prerogative; as if the Petitioning of
 “us in matters that your selves confess ye ought not to meddle with, were
 “not a meddling with them.

“And whereas ye pretend, That ye were invited to this course by
 “the Speeches of Three honorable Lords; yet by so much as your selves
 “repeat of the Speeches, nothing can be concluded, but that we
 “were

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“were resolved by War to regain the *Palatinate*, if otherwise we could
 “not attain unto it. And you were invited to advise forthwith upon a
 “Supply for keeping the forces in the *Palatinate* from disbanding, and to
 “foresee the means for the raising, and maintenance of the Body of an
 “Army for that War against the Spring. Now what inference can be
 “made upon this, that therefore we must presently denounce War against
 “the King of *Spain*, break our dearest Sons match, and match him to
 “one of our Religion, let the World judge: The difference is no
 “greater, than if we would tell a Merchant that we had great need to
 “borrow Money from him for raising an Army; that thereupon it should
 “follow that we were bound to follow his advice in the direction of the
 “War, and all things depending thereupon: But yet not contenting your
 “selves with this excuse of yours, which indeed cannot hold water, ye
 “come after to a direct contradiction to the conclusion of your former
 “Petition, saying, That the honor and safety of us and our Posterity,
 “and the Patrimony of Our Children invaded and possessed by their ene-
 “mies, the Welfare of Religion, and State of our Kingdom, are matters
 “at any time not unfit for your deepest considerations in Parliament. To
 “this generality, we answer with the Logicians, That where all things
 “are contained, nothing is omitted. So as this Plenipotency of yours,
 “invests you in all power upon Earth, lacking nothing but the Popes to
 “have the Keys also both of Heaven and Purgatory: And to this vast
 “generality of yours, we can give no other answer; for it will trouble
 “all the best Lawyers in the House to make a good Commentary upon it:
 “For so did the Puritan Ministers in *Scotland* bring all kinde of causes
 “within the compass of their jurisdiction, saying, That it was the Churches
 “office to judge of slander; and there could no kinde of crime or fault be
 “committed, but there was a slander in it, either against God, the King,
 “or their Neighbor, and by this means they hooked into themselves
 “the cognisance of all causes: Or like *Bellarmines* distinction of the
 “Popes power over Kings, in *Ordine ad Spiritualia*, whereby he gives
 “them all Temporal Jurisdiction over them.

“But to give you a direct Answer to the matter of War, for which
 “you are so earnest. We confess we rather expected you should have
 “given us thanks for the so long maintaining a settled Peace in all our
 “Dominions, when as all our Neighbors about are in miserable com-
 “bustion of War; but *dulce bellum inexpertis*. And we indeed finde by
 “experience, that a number of our Subjects are so pampered with Peace,
 “as they are desirous of change, though they knew not what.

“It is true, that we have ever professed (and in that minde with Gods
 “grace we will live and die) that we will labor by all means possible,
 “either by Treaty or by force, to restore our Children to their ancient
 “Dignity and Inheritance: And whatsoever Christian Princes or Poten-
 “tates will set themselves against it, we will not spare any lawful means
 “to bring our so just and honorable purpose to a good end; neither shall
 “the match of our Son, or any other worldly respect be preferred to this
 “our resolution. For by our credit and intervention with the King of
 “*Spain*, and the Arch-Dutches, and her Husband now with God, we
 “preserved the Lower *Palatinate* one whole year from any further con-
 “quering in it, which in eight days space, in that time might have easily
 “been swallowed up by *Spinola's* Army without any resistance. And in
 “no better case was it now at our Ambassador the Lord *Digbys* coming
 “through *Heidelberg*, if he had not extraordinarily succored it.

“But

"But because we conceive that ye couple this War of the *Palatine* with the Cause of Religion, we must a little unfold your eyes herein.

"The beginning of this miserable War, which hath set all Christendom on fire, was not for Religion, but only caused by our Son-in-law his hasty and harsh resolution, following evil Counsel, to take to himself the Crown of *Bohemia*.

A "And that this is true, himself wrote Letters unto us at that time, desiring to give assurance both to the French King and State of *Venice*, that his accepting of the Crown of *Bohemia* had no reference to the Cause of Religion, but only by reason of his right of Election (as he called it.) And we would be sorry that that aspersion should come upon our Religion, as to make it a good pretext for dethroning of Kings, and usurping their Crowns; And we would be loth that our people here should be taught B "that strange doctrine: No, let us not so far wrong the Jesuites, as to rob them of their sweet Positions and practice in that very point.

"And upon the other part, We assure our self so far of your charitable thoughts of us, that we would never have constantly denied our Son in law both the Title and assistance in that point, if we had been well perswaded of the justice of his quarrel. But to conclude; This unjust usurpation of the Crowns of *Bohemia* and *Hungaria* from the Emperor, hath given the Pope and all that party too C "fair a ground, and opened them too wide a gate for curbing and oppressing of many thousands of our Religion in divers parts of Christendom.

"And whereas you excuse your touching upon the King of *Spain*, upon occasion of the incidents by you repeated in that place, and yet affirm that it is without any touch to his honor; We cannot wonder enough that ye are so forgetful both of your words and writs: D "For in your former Petition ye plainly affirm, That he affects the Temporal Monarchy of the whole Earth; then which there can be no more malice uttered against any great King, to make all other Princes and Potentates both envy and hate him: But if ye list, it may easily be tryed whether that speech touched him in honor, or not, if ye shall ask him the question whether he means to assume to himself that title, or no: For every King can best judge of his own honor. We omit the particular ejaculations of some foul-mouthed Orators in your House, against the Honor of that Kings Crown and E "State.

"And touching your excuse of not determining any thing concerning the Match of our dearest Son, but only to tell your Opinion, and lay it down at our feet: First we desire to know how you could have presumed to determine in that point, without committing of High Treason? And next you cannot deny but your talking of his his Match after that manner, was a direct breach of our commandment and declaration out of our own mouth at the first sitting down F "of this Parliament, where we plainly professed that we were in Treaty of this Match with *Spain*; and wished you to have that confidence in our Religion and Wisdom, that we would so manage it, as our Religion should receive no prejudice by it: And the same we now repeat unto you, professing that we

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"are so far engaged in that Match, as we cannot in honor go
 "back, except the King of *Spain* perform not such things as we ex-
 "pect at his hands. And therefore we are sorry that ye should shew
 "to have so great distrust in us, as to conceive that we should be
 "cold in our Religion; Otherwise we cannot imagine how our for-
 "mer publique Declaration should not have stopt your mouths in this
 "point.

"And as to your request, That we would now receive your
 "former Petition; We wonder what could make you presume that
 "we would receive it, whereas in our former Letter we plainly de-
 "clared the contrary unto you. And therefore we have justly rejected
 "that suit of yours: For what have you left unattempted in the highest
 "points of Sovereignty, in that Petition of yours, except the striking
 "of Coin? For it contains the violation of Leagues, the particular way
 "how to govern a War, and the Marriage of our dearest Son, both
 "Negative with *Spain*, nay with any other Popish Princess, and also
 "Affirmatively as to the matching with one of our Religion; which
 "we confess is a strain beyond any providence or wisdom God hath given
 "us, as things now stand.

"These are unfit things to be handled in Parliament, except your
 "King should require it of you: For who can have wisdom to judge of
 "things of that nature, but such as are daily acquainted with the parti-
 "culars of Treaties, and of the variable and fixed connexion of affairs
 "of State, together with the knowledge of the secret ways, ends and
 "intentions of Princes in their several Negotiations? otherwise a small
 "mistaking of matters of this nature, may produce more effects then
 "can be imagined: And therefore *Ne Sutor ultra crepidam*. And besides,
 "the intermedling in Parliament with matters of Peace or War, and
 "Marriage of our dearest Son, would be such a Diminution to us and
 "to our Crown in Foreign Countries, as would make any Prince neglect
 "to treat with us either in matters of Peace or Marriage, except they
 "might be assured by the assent of Parliament. And to it proved long
 "ago with a King of *France*, who upon a Trick procuring his States
 "to dissent from some Treaty which before he had made, was after re-
 "fused Treating with any other Princes to his great reproach, unless
 "he would first procure the assent of his Estates to their Proposition.
 "And will you cast your eyes upon the late times, you shall find that
 "the late Queen of famous memory was humbly petitioned by a Par-
 "liament to be pleased to marry: But her Answer was, That she liked
 "their Petition well, because it was simple, not limiting her to place or
 "person, as not besitting her liking to their fancies; And if they had
 "done otherwise, she would have thought it a high presumption in them.
 "Judge then what we may do in such a case, having made our publique
 "declaration already (as we said before) directly contrary to that which
 "you have now petitioned.

"Now to the points in your Petition whereof you desire an Answer,
 "as properly belonging to the Parliament; The first and the greatest point
 "is, that of Religion: Concerning which at this time we can give you
 "no other Answer then in the general; which is, That you may rest
 "secure that we will never be weary to do all we can for the propa-
 "gation of our Religion, and repressing of Popery: But the manner
 "and form you must remit to our care and providence, who can best
 "consider of times and seasons, not by undertaking a Publique War
 of

- “ of Religion through all the World at once, (which how hard and
 “ dangerous a task it may prove, you may judge.) But this puts us
 “ in mind, how all the World complained the last year of plenty of
 “ Corn; and God sent us a Cooling-card this year for that heat:
 “ And so we pray God, that this desire among you of kindling
 “ Wars (shewing your weariness of peace and plenty) may not make
 “ God permit us to fall into the miseries of both. But as we already said,
 A “ our care of Religion must be such, as on the one part we must not by
 “ the hot persecution of our Reculants at home irritate Foreign Princes
 “ of contrary Religion, and teach them the way to plague the Protestants
 “ in their Dominions, with whom we daily intercede, and at this time
 “ principally, for ease to them of our profession that live under them;
 “ Yet upon the other part, we never mean to spare from due and severe
 “ punishment any Papist that will grow insolent for living under our so
 “ mild Government. And you may also be assured, we will leave no
 B “ care untaken, as well for the good Education of the Youth at home,
 “ especially the children of Papists, as also for preserving at all times
 “ hereafter the Youth that are or shall be abroad, from being bred in
 “ dangerous places, and so poisoned in Popish Seminaries. And as in this
 “ point, namely the good education of Popish youth at home, we have
 “ already given some good proofs both in this Kingdom and in Ireland,
 “ so will we be well pleased to pass any good Laws that shall be made
 “ either now, or at any time hereafter to this purpose.
 C “ And as to your request of making this a Session, and granting a
 “ General Pardon; It shall be in your defaults, if we make nor this a
 “ Session before Christmas.
 “ But for the Pardon, ye crave such particulars in it, as we must be
 “ well advised upon, lest otherwise we give you back the double or treble
 “ of that we are to receive by your entire Subsidy, without Fifteens.
 “ But the ordinary course we hold fittest to be used still in this case is,
 “ That we should of our free grace send you down a Pardon from the
 D “ Higher House, containing such points as we shall think fittest, wherein
 “ we hope ye shall receive good satisfaction.
 “ But we cannot omit to shew you how strange we think it, that ye
 “ should make so bad and unjust a Commentary upon some words of our
 “ former Letter, as if we meant to restrain you thereby of your antient
 “ priviledges and liberties in Parliament. Truly, a Scholar would be a-
 “ sham’d so to misplace and misjudge any sentences in another mans book;
 “ For whereas, in the end of our former Letter, we discharge you to med-
 E “ dle with matters of Government, and Mysteries of State, namely mat-
 “ ters of War or Peace, or our dearest Son’s Match with *Spain*; by which
 “ particular denominations we interpret and restrain our former words;
 “ And then after we forbid you to meddle with such things as have their
 “ ordinary course in Courts of Justice: Ye couple together those two
 “ distinct sentences, and plainly leave out these words, *of Mysteries of*
 “ *State*; so as ye erre à bene divisis ad male conjuncta: For of the former
 “ part concerning Mysteries of State, we plainly restrain our meaning to
 F “ the particulars that were after mentioned; And in the latter, we con-
 “ fess we meant it by Sir *Edward Cook*’s foolish business. And therefore
 “ it had well became him, especially being our Servant, and one of our
 “ Council, to have complained unto us, which he never did, though
 “ he was ordinarily at Court since, and never had access refused unto
 “ him.

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" And although we cannot allow of the stile, calling it *Your antient*
 " *and undoubted Right and Inheritance*; but could rather have wished that
 " ye had said, That your Priviledges were derived from the grace and
 " permission of our Ancestors and Us, (For most of them grow from
 " Precedents, which shews rather a Toleration then Inheritance:) Yet
 " we are pleased to give you our Royal assurance, that as long as you
 " contain yourselves within the limits of your duty, we will be as care-
 " ful to maintain and preserve your lawful Liberties and Priviledges, as
 " ever any of our Predecessors were, nay as to preserve our own Royal
 " Prerogative. So as your House shall only have need to beware to trench
 " upon the Prerogative of the Crown; which would enforce us, or any
 " just King, to retrench them of their Priviledges, that would pare his
 " Prerogative, and Flowers of the Crown: But of this we hope there
 " shall be never cause given. Dated at *Newmarket* the Eleventh day
 " of *December*, 1621.

A

B

The Lord
 Keepers judg-
 ment touch-
 ing the Kings
 sharp Answer.

The Lord Keeper *Williams* advised, That the harshness of this Answer
 should be mitigated with a Letter from his Majesty to the Houses. For
 (said he) his Majesty rightly infers, That their Priviledges which they
 claim to be their Natural birthrights, are but the favors of former Kings:
 Now the Kings assertion and their Claim may easily be reconciled, if
 men were peaceably disposed, and affected the dispatch of Common
 business.

C

These Priviledges were originally the favor of Princes; neither doth
 his Majesty go about to impair or diminish them. Therefore if his Majesty
 would be pleased to qualifie the passage with some mild and noble ex-
 pression, and require them strictly to prepare things for a Session, and to
 leave those needless disputes, He shall make it appear to all wise and just
 men, that those persons are opposite to those Common ends, whereof
 they vaunt themselves the onely Patrons. Will the King be pleased to
 add in this Letter, That if they will not prepare Bills for a Session, he
 will break up the Parliament without any longer Prorogation, acquaint-
 ing the Kingdom with their undutifulness and obstinacie, and supply the
 present wants by some other means: Or else will he adjourn the present
 Assembly to the appointed Eight of *February*. This latter course is fitter
 for further Advice; but the former, to express a just indignation.

D

The Lo. Digby
 to the Peers.

The Lord *Digby* minded the Peers, That this Session was called for
 the present support of the *Palatinate*, as was declared by the Message
 from his Majesty to both Houses in the beginning thereof. He reported
 also, That he had received many great Advertisements of that Countries
 present distress and danger, by the Duke of *Bavaria*; and that the Army
 of *Mansfeld* who came in for defence, if he be not speedily supplied with
 monies, is in a possibility of deserting the service: For he hath fair offers
 of making his Peace; but nothing will take with him, being in hopes of
 relief from *England*.

E

But the Parliament thought it their duty as well to advise his Ma-
 jesty, as to supply his wants.

December 19. The Prince delivered to the Clerk the Commission
 for an Adjournment to the Eight of *February*: Which discontented the
 Commons and good people of *England*, foreseeing a Dissolution by
Gondomar's means.

F

Before the Adjournment, in vindication of their Parliamentary rights
 and Priviledges, the Commons made and entred this Protestation fol-
 lowing.

The

19 Jacobi.

The Commons Protestation.

The Commons now assembled in Parliament, being justly occasioned thereunto concerning sundry Liberties, Franchises and Priviledges of Parliament amongst others here mentioned, do make this Protestation following. That the Liberties, Franchises, Priviledges and Jurisdictions of Parliament, are the antient and undoubted Birth-right and Inheritance of the Subjects of England; And that the arduous and urgent affairs concerning the King, State, and Defence of the Realm, and of the Church of England, and the maintenance and making of Laws, and redress of mischiefs and grievances which daily happen within this Realm, are proper subjects and matter of Council and Debate in Parliament; And that in the handling and proceeding of those businesses, every Member of the House of Parliament hath, and of right ought to have freedom of speech, to propound, treat, reason and bring to conclusion the same; And that the Commons in Parliament have like liberty and freedom to treat of these matters in such order as in their judgments shall seem fittest; And that every Member of the said House hath like freedom from all Impeachment, Imprisonment and molestation (other then by Censure of the House it self) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament, or Parliament-business; And that if any of the said Members be complained of and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King gave credence to any private information.

But how the King was moved by the Protestation of the House of Commons, will appear by this Memorial.

Whitehall, Decemb. 30. 1621.

His most Excellent Majesty coming this day to the Council, the Prince his Highness, and all the Lords and others of his Majesties Privy Council sitting about him, and all the Judges then in London, which were six in number, there attending upon his Majesty; the Clerk of the Commons House of Parliament was called for, and commanded to produce his Journal-book, wherein was noted, and Entries made of most passages that were in the Commons House of Parliament; and amongst other things there was written down the form of a Protestation concerning sundry Liberties, Priviledges, and Franchises of Parliament; with which form of Protestation his Majesty was justly offended. Nevertheless his Majesty in a most gracious manner there expressed, That he never meant to deny that House of Commons any lawful Priviledges that ever they had enjoyed; but whatsoever Priviledges or Liberties they had by any Law or Statute, the same should be inviolably preserved unto them; and whatsoever Priviledges they enjoyed by Custom, or uncontrolled and lawful precedent, his Majesty would be careful to preserve. But this Protestation of the Commons House so contrived and carried as it was, his Majesty thought fit to be razed out of all Memorials, and utterly

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to be annihilated, both in respect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, first in respect of the time: For after such time as His Majesty out of his Princely grace, and to take away all mistakings, had directed his Letters to Secretary Calvert dated at Royston 16 Decembris, and therein had so explained himself in the point of maintaining the priviledges of the House of Commons, as that most of the said House rested fully satisfied, and freed from any scruple of having their liberties impeached; And after that by His Majesties Letters directed to the Speaker dated 18 December, being Tuesday, His Majesty at the humble suit of the House of Commons, condescended to make this Being a Session before Christmas, and for that purpose had assigned Saturday following. Now upon this very Tuesday, and while the Messengers from the House of Commons were with His Majesty at Theobalds to return thanks unto His Majesty, and therewith an excuse from them not to make it a Session in respect of the strait of time whereunto they were driven; which deferment His Majesty admitted of at their desires, and thereupon gave order for the adjournment of the Parliament until the Eighth of February next, which was the first day formerly appointed by His Majesty for the meeting together of the Parliament: And whilst their messengers were with His Majesty, and had received a gracious Answer to return unto their House; even that afternoon, a Committee was procured to be made for taking their Liberties into consideration: And this afternoon a Protestation was made (to whom appears not) concerning their Liberties; and at six a clock at night, by candle-light, the same Protestation was brought into the House by the Committee, and at that time of night it was called upon to be put to the Question, there not being the third part of the House then present; whereas in all matters of weight, their usual custom is to put nothing of importance to the Question, till the House be full; And at this time many of them that were present expected the Question would have been deferred to another day, and a fuller House, and some then present stood up to have spoken to it, but could not be seen nor heard in that darkness and confusion. Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future Times to invade most of Rights and Privileges annexed to the Imperial Crown; the claim of some priviledges being grounded upon the words of the Writ for assembling the Parliament, wherein some words, viz. *Arduis Regni*, are cunningly mentioned; but the word *quibusdam*, which restraineth the generality to such particular Cases as His Majesty please to consult with them upon, is purposely omitted.

These things considered, His Majesty did this present day in full assembly of his Council, and in the presence of the Judges, declare the said Protestation to be invalid, annulled, void and of no effect: And did further *manu sua propria* take the said Protestation out of the Journal-book of the Clerk of the Commons House of Parliament, and commanded an Act of Council to be made thereupon, and this Act to be entered in the Register of Council causes.

On the Sixth of *January* the King by Proclamation dissolved the Parliament; shewing that the assembling, continuing, and dissolving of Parliaments doth so peculiarly belong unto him, that he needs not give an accompt thereof unto any: Yet he thought fit to declare, That in this

Disso-

The King takes the Protestation out of the Journal-book with his own hand.

In the meantime the King dissolves them.

19 Jacobi

A Dissolution he had the advice and uniform consent of his whole Council. And that some particular Members of the House of Commons took inordinate liberty not only to treat of his high Prerogatives, and sundry things not fitting to be argued in Parliament, but also to speak with less respect to Foreign Princes: That they spent the time in disputing Privileges, descanting upon the words and syllables of his Letters and Messa- ges: And that these Evil-tempered spirits sowed tares among the corn, and by their cunning devices have imposed upon him a necessity of dis- continuing this present Parliament, without putting unto it the name or period of a Session. And lastly he declared, That though the Parliament be broken off, yet he intended to govern well, and shall be glad to lay hold on the first occasion to call a Parliament again at convenient time.

B The King was highly displeased with some of the Commons House, whom he called *Ill-tempered spirits*. Sir Edward Cook, Sir Robert Philips were committed to the Tower; Mr. Selden, Mr. Pym, Mr. Mallory to other Prisons and Confinements. Order was given for the sealing up the locks and doors of Sir Edward Cooks Chambers in London and in the Temple, for the seising of his Papers; and the Council debating about the General Pardon that should have passed this last Parliament, had consulted about the ways of excluding him from that benefit, either by preferring a Bill against him before the publication of the Pardon, or by exempting him by name, whereof they said they had presidents.

C Likewise Sir Dudley Diggs, Sir Tho. Crew, Sir Nathaniel Rich, and Sir James Perrot for punishment were sent into Ireland, joined in Com- mission with others under the Great Seal of England, for the enquiry of sundry matters concerning his Majesties service, as well in the Govern- ment Ecclesiastical and Civil, as in point of his Revenue and otherwise, within that Kingdom.

D Proclamations had formerly issued out against the Peoples too liberal speaking of matters above their reach: Which at this time occasioned Letters from the Council to the Judges of the next Assises, taking notice of licentious and undutiful speeches touching State and Government, notwithstanding several Proclamations prohibiting the same, which the King was resolved no longer to let pass without severest punishment; and thereupon required the Judges to give this in Charge in their several Circuits, and to do exemplary Justice where they find any such Of- fenders.

E The King still walked in his beaten path of Sollicitations and Treaties, after the constant bad success of his former Mediations: For at the very time when he treated of Peace, his Son in law was despoiled of his Here- ditary patrimony by the Emperors commandment; who after the suspen- sion of the Ban or Proscription, commanded the taking up of Arms again in the Lower Palatinate, the Upper Palatinate being already subdued. Which misery King James acknowledged to be the fruit of his own patience, delays, and doubtfulness. Nevertheless he ceaseth not to pursue the favor of an implacable Enemy: He wrote to the Emperor Ferdinand, declaring his earnest endeavors to appease the Bohemian War, and his ardent zeal for Peace from the beginning; and expressed the Terms which he had prescribed to his Son in law: As, That he shall for himself and his Son renounce all pretence of Right and Claim to the Crown of Bohemia; That he shall from henceforth yield all constant due devotion to the Im- perial Majesty, as do other obedient Princes Electors of the Empire;

That

Some Emi-
nent Members
of the Parlia-
ment in pri-
soned.

Others sent
for punish-
ment into Ire-
land.

The Council
write to
Judges con-
cerning such
as speak of
State Affairs.

The Palatine
spoiled of his
hereditary
dominions.

The terms
which King
James desires
the Emperor
to accept in
behalf of the
Palatine.

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That he shall crave pardon of the Imperial Majesty; That he shall not hereafter any manner of way demean himself unsattingly toward the Imperial Majesty, nor disturb his Kingdoms and Countries; And that he shall upon reasonable Conditions reconcile himself to other Princes and States of the Empire, and hold all good correspondence with them; And he shall really do whatsoever like things shall be judged reasonable and necessary.

King *James* requested of the Emperor the acceptance of these Conditions as a notable testimony of his Imperial Majesties goodness and grace, which he said should be by himself acknowledged in all willing service and unfeigned friendship to the Emperor himself, and the most renowned House of *Austria*. But if these his just Demands and well-willed Presentations shall not find acceptance, or be slightly waved by some new tergiversation, or a pretence of that long and tedious way of Consultation with the Princes of the Empire, he is resolved to try his utmost power for his Childrens relief, judging it a foul stain to his Honor, if he shall leave them and their Partizans without counsel, aid and protection.

The Emperors
Answer to
King *James*,
Jan. 14. 1621.

The Emperor replied and confessed, That in this exulcerate business, so much moderation and respect of justice and equity hath shined forth in the King of *Great Britain*, that there is not any thing that he should refuse to render thereunto, reserving his Cesarean authority, and the Laws of the Empire: Yet that Person whom it most concerns, hath given no occasion by the least sign of repentance to a condescension to this Treaty of Pacification: For he is still so obstinate, as by continual machinations by *Fagerndorf* and *Mansfeld*, and other cruel disturbers of the publique peace, to call up Hell rather then to acquiesce in better counsels, and desist from the usurped Title of a Kingdom. Howbeit, in favor of the King of *Great Britain* he shall consent to a Treaty to be held at *Bruxels*, wherein he would devolve his power upon the Illustrious *Elizabetha Clara Eugenia* Infanta of *Spain*.

The appointment of the Treaty at *Bruxels* was accepted by King *James*, whither he sent his Ambassador Sir *Richard Weston* Chancellor of the Exchequer. In the mean while misfortune and misery over-ran the *Palatinate*: The Enemy having prevailed in several grand encounters, proceeded to subdue the Country, without regard to the Treaty of Peace at *Bruxels*. Which was more easily effected, the Commotions in *Hungaria*, *Bohemia*, *Silesia*, *Moravia* being now ended in a Treaty of Peace between the Emperor and *Bethleem Gabor*, the Emperor having made use of the *Palsgrave's* submission, and resignation of the Crown of *Bohemia*, to accelerate this Treaty.

About this time *Philip* the Third, King of *Spain*, departed this life; and the Lord *Digby* was sent Extraordinary Ambassador into *Spain*, as well to condole his death, as to advance the Match, and by all means possible to bring it to a final conclusion. To which end he was accompanied with Letters from his Majesty, and the Prince, to that King, as also a private Letter to *Don Baltazar de Zuniga*.

Most

19 Jacobi.

King James to
Philip the
Fourth of
Spain.

Most Serene and Potent Prince, Kinsman, and dearly beloved Friend,
when we heard of the Death of your Majesties Father, Philip the
Third, with whom we had great Amity, and by our Amity, managed
very important Matters, which he being dead, could not but of necessity be in-
interrupted: It was no less grief to us, then if he had been our own natural and
most intimate Brother: Which grief we have certified both to your Majesty by
our Letters, as was fitting, and intimated to our people in a solemn and due
manner. And thus far we have satisfied our selves; but in the next place we
must also give Custom its due. For which end we send unto your Majesty our
Publick Ambassador and Messenger of this our Grief, the Baron John Digby,
our Counsellor and Vice-Chamberlain, adjoyning unto the rest of his Instructi-
ons, this our wish, That your Serenity may rule your Fathers Kingdoms, which
you have received under a most prosperous Star, with his and your Ancestors
Prudence, and that we may really finde that love, which alway passed between
your Father of most happy memory and us, propagated with the same candor
unto you his Successor, the which we also hope,

Given at our Pallace of
Theobalds, Mar. 14.
1621.

Your Majesties
most Loving Brother

J. R.

C Jacobus, &c. Serenissimo & Poten-
tissimo Principi ac Domino Phi-
lippo Quarto, &c.

James, &c. To the most Serene and
most Potent Prince and Lord,
Philip the Fourth, &c.

Serenissime & Potentissime P.
Frater, Consanguinee & Amice
Charissime: Quum aliquot ab-
hinc annis (pro affinitate nostra ar-
ctiori, totiusque orbis Christiani
bono) deliberatio suscepta fuerit de
Matrimonio inter Charissimum fili-
um nostrum Carolum P. Wallie &
Illustrissimam Infantem Dominam
Mariam (Serenitatis vestrae sororem
natu minorem) contrahendo; quod
superfite adhuc R. Philippo Tertio,
(felicissimae memoriae) Patre vestro,
eo per gradus devecum erat, ut
ille si non expirasset, hoc multo
antehac consummatum iri spes esset,
nunc denuo, Serenitatem vestram
interpellandam duximus, jam tan-
dem ut velit operi bene inchoato
fastigium imponere; & expectato
deliberationes praeteritas exitu co-
ronare. Matura jam filii aetas, filii
Unici, rerumque & temporum ratio
conjugem videntur efflagitare; no-
bisque in senectutis limine constit-

Most Serene and Potent Prince,
Kinsman, and Wel-beloved
Friend; Forasmuch as some
years ago (for our nearer Alliance, and
the good of the whole Christian World)
we had resolved to make a Marriage
between our Wel-beloved Son Charls,
Prince of Wales, and the most Illu-
strious Infanta, the Lady Mary, your
Serenities yongest Sister, which in the
life time of your Father, King Philip
the Third, of most happy memory,
was so far advanced, That if he had
not died, it had been brought to per-
fection long ere now: We have therefore
thought good to Treat now again with
your Serenity, that at length you would
put a period to a work so well begun,
and crown our by-past Deliberations
with an expected issue. The age of
our Son arived now to maturity, and
he our onely Son (besides the condition
of the times and our affairs) doth re-
quire him to marry. And we being at
the brink of old age, it would rejoyce

King James
his Letter to
the King of
Spain.

AN. 1621.

unto see the day wherein our Posterities
Friendship should be bound up in this
most desired Bond of Affinity. We
have therefore sent unto your Serenity
our Extraordinary Ambassador, the
Right Honorable the Lord Digby,
Baron of Sherborne, our Counsellor,
and Vice-Chamberlain, who has for-
merly deserved well of this Alliance,
and the honor of the House of Austria;
unto whom, together with our Ordinary
Ambassador, we have intrusted the
remainder of this business, to be treat-
ed, transacted, and finished, and shall
be ready to ratifie and approve here,
what ever they shall agree upon. We
wish likewise, that your Serenity out
of your goodness would ease our other
care, touching the Palatinate, which
concerns our Daughter and Son in
Law, and their innocent Children,
banished from their Ancestors Inheri-
tance. How gladly would we owe this
good turn solely to your Serenity, who
have already done us so many friendly
offices in that business! No Oblivion
shall ever blot out of our minde, the
acknowledgment of so great a favor,
and we will endeavor to transmit to our
Posterity, that Hereditary good will
wherewith we have ever affected your
Serenity, and your Royal Father of
most worthy memory, and shall ever
affect you. One thing remains, That
if this our Ambassador shall propose
any other matter touching what busi-
ness soever, your Serenity will be plea-
sed to give him Credence, as if we
our self were present. The most gra-
cious and great God ever preserve
your Serenity in safety.

Your Serenities
most Loving Brother

J. R.

Given at our Pallace of
Theobalds, 14 March.
1621.

tutis, felicissimus illuceret dies, quo
cernere liceret posterorum etiam
amicitiam optato hoc affinitatis
foedere constrictam. Misimus ita-
que ad Serenitatem vestram Lega-
tum nostrum Extraordinarium,
Prænobilem virum *Johannem Dig-
beum*, Baronem de *Sherborne*, Consi-
liarium & Vice-Camerarium no-
strum, jam olim de hac affinitate
& Domus *Austriacæ* honore bene
meritum, cui una cum Legato no-
stro Ordinario quicquid reliquum
est hujus Negotii, tractandum, tran-
sigendum, absolvendumque Com-
misimus. Quicquid illis illic vide-
bitur, ratum hic habituri. Utinam
etiam vestre Serenitatis bonitate le-
varetur aliquando altera illa nostra
de *Palatinatu* Sollicitudo, de filia
& genero & infantibus eorum li-
beris ex avito jam extorribus Pa-
trimonio. Quam vellemus vestræ
Potissimum Serenitati beneficium
hoc in solidum debere, cujus tot
modo experti sumus ea in re Ami-
cissima Official! Non nos unquam
capiet tantæ benevolentiae oblivio,
Posterisque Hæreditarium studebi-
mus relinquere amorem illum, quo
vestram Serenitatem & memoriæ
optimæ Patrem semper sumus am-
plexi, semper amplexuri. Unum
hoc superest ut si quid aliud in re
quacunque proposuerit Legatus
hic noster, eam ei fidem adhibere,
ac si nos præsentem essemus, digne-
tur Serenitas vestra: Quam Deus
Optimus Maximus perpetuo inco-
lumem conservet.

Serenitatis vestræ
Frater Amantissimus

Jacobus R.

Dat. è Regia nostra
Theobald, 14 Die
Martii, An. Dom.
1621.

Prince

Prince Charles to the King of Spain.

Prince Charles
to the King of
Spain.

A **M**ost Serene and Potent Prince, and wel-beloved Kinsman, some years ago our most Serene Parents begun to treat about a Match between us and the most Serene, our dearly beloved Princess, the Lady Mary, your Majesties most honored Sister. The condition and success of which affair and treaty, our most Serene and Honored Lord and Father, out of his Fatherly affection towards us, was pleased upon all occasions, so much the more willingly to impart unto us, by how much greater propension and apparent signs of true affection he discovered in us thereunto; For which cause the Baron Digby, his Majesties Vice-Chamberlain and Extraordinary Ambassador, and one of our Privy Chamber, being now bound for Spain, with most ample Instructions to **B** bring unto an happy issue, that which was prosperously begun, advanced before your most gracious Father our Uncle of happy memory departed this life: We thought it no less becoming us, by these our Letters, most affectionately to salute your Majesty; who, if you shall perswade your self, that we highly esteem of your affection as we ought to do, and that by a most near bond of affinity, we desire to have it enlarged and confirmed towards us, that very perswasion will not a little adde to the measure of our love. It remains, that we intreat your Majesty to give full credit to such further Proposals as the Baron Digby **C** shall make in our name. In the mean time we will hope for such a success of the principal business, as may give us occasion to use a more familiar stile hereafter in our Letters, as an argument of a nearer relation; which if it shall happen, this will also follow, That we shall most readily embrace all occasions, whereby to evidence unto your Majesty the progress and increase of our affection, as well towards your self, as your most Serene Sister.

The most great and good God preserve your Majesty long in safety.

Your Majesties most loving Kinsman,

Given at Our Palace
of Saint James,
14 Martii, 1621,

C. P.

To the Right Honorable the Lord Balthazar
of Zuniga.

Right Honorable and Wel-beloved Friend,

E **B**Ecause we have divers times been informed by your Friends of your singular propension and zeal towards our Affairs, we neither will, nor ought to leave you unsaluted at this time, you have so well deserved of us: But it will be no small accession of your good will, if you continue as you have **F** begun, to promote by your assistance, our concernments with his Majesty our Wel-beloved Brother; which by what way it may best be done, our Ambassador the Baron John Digby will be able to direct you, to whom we have intrusted the residue of that matter. And if during his residence there, he may make use of your singular Humanity and Favor with the King in his Negotiation, it will be most acceptable to us, and render us, who were by your deservings already

King James
his Letter to
the Lord Bal-
thazar of Zu-
niga.

An. 1621. forward to oblige you, most forward for the future to deserve well of you; which we shall most willingly testifie, as occasion offers, not onely in word but in deed.

Given at our Palace of
Theobalds, March 14,
1621.

J. R.

Sir *Walter Aston*, the Leiger Ambassador, had managed that Treaty by directions received from *Digby*, and now *Digby* remained at large in it, and had communication of the Passages from him. The Spaniards proceed in the Match with a very formal appearance; for at this very time the Emperors Ambassador in *Spain* had discoursed of a Marriage between his Masters Son and the *Infanta*; but was presently answered, That the Kings hands were tied by a Treaty on foot with the King of Great *Brittain*; and in this particular they seemed (as said the English Agent) to deal above board.

In the mean time the Privy Council by the Kings Commandment consulted about the raising of Moneys to defend the *Palatinate*. They appointed the Keeper of the Records in the *Tower*, to search for all such writings as concerned the Levies of Men at the Publick charge of the Countrey, from the time of King *Edward* the Third, until this present.

Likewise they directed Letters of the tenor following to the Justices of the Courts at *Westminster*, and to the Barons of the Exchequer.

What endeavors his Majesty hath used by Treaty, and by all fair and amiable ways to recover the patrimony of his Children in Germany, now for the most part withholden from them by force, is not unknown unto all his loving Subjects, since his Majesty was pleased to communicate to them in Parliament his whole proceedings in that business: Of which Treaty, being of late frustrate, he was inforced to take other resolutions; namely, to recover that by the Sword, which by other means he saw no likelihood to compass. For which purpose it was expected by his Majesty, that his people in Parliament would (in a cause so nearly concerning his and his Childrens interest) have chearfully contributed thereunto. But the same unfortunately failing, his Majesty is constrained in a case of so great necessity, to try the dutiful affections of his loving Subjects in another way, as his Predecessors have done in former times, by propounding unto them a voluntary contribution. And therefore as your selves have already given a liberal and worthy example (which his Majesty doth take in very gracious part) so his pleasure is, and we do accordingly hereby authorise and require your Lordships, as well to countenance and assist the service by your best means in your next Circuits, in the several Counties where you hold General Assizes; as also now presently with all convenient expedition, to call before you all the Officers and Attorneys belonging to any his Majesties Courts of Justice; and also all such others of the Houses and Societies of Court, or that otherwise have dependence upon the Law, as are meet to be treated withal in this kinde, and have not already contributed; and to move them to joyn willingly in this contribution in some good measure, answerable to that your selves and others have done before us, according to their means and fortunes: Wherein his Majesty doubteth not, but beside the interest of his Children, and his own Crown and Dignity, the Religion professed by his Majesty and happily flourishing under him, within this Kingdom, (having a great part in the suc-

The Privy Council by the Kings command issue out an Order for raising Money for the defence of the *Palatinate*.

cess of this business) will be a special motive to incite and persuade them thereunto. Nevertheless, if any persons shall out of obstinacy or disaffection, refuse to contribute herein, proportionably to their Estates and Means, you are to certify their names unto this Board.

And so recommending this service to your best care and endeavor, and praying you to return unto us Notes of the names of such as shall contribute, and of the sums offered by them, We bid, &c.

19 Feb. 1.

Letters to the same effect were directed to the High Sheriffs and Justices of Peace of the several Counties; and to the Majors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to summon all of known Abilities within their Jurisdictions, and to move them to a cheartul contribution according to their Means and Fortunes in some good measure, answerable to what others well-affected had done before them. And to make choice of meet Collectors of the Moneys, and to return a Schedule of the names of such as shall contribute, and the sums that are offered by them; that his Majesty may take notice of the good inclinations of his Subjects to a cause of such importance; as likewise of such others, if any such be, as out of obstinacy or disaffection shall refuse to contribute.

About this time *George Abbot*, Archbishop of *Canterbury*, began to fall into disgrace at Court; his enemies taking the advantage of a late sad misfortune, for shooting at a Deer with a Cross-bow in *Bramzil Park*, he casually killed the Keeper. Upon this unhappy accident, it was suggested to the King, who already disgusted him for opposing the Match with *Spain*, That in regard of his eminent rank in the Church, it might administer matter of Scandal; which was aggravated by such as aspired unto his place and dignity. The Bishop of *Lincoln*, then Lord Keeper, informed the Marquess of *Buckingham*, That by the Common Law of *England*, the Archbishops whole estate was forfeited to the King; and by the Common Law, which is still in force, he is made irregular *ipso facto*, and so suspended from all Ecclesiastical Function, until he be restored by his Superior, which was the Kings Majesty, in this rank and order of Ecclesiastical Jurisdiction. "To adde affliction to the afflicted" (*said he*) will be against his Majesties nature; yet to leave a man of "Blood, Primate, and Patriark of all his Churches, is a thing that "sounds very harsh in the Old Councils and Canons, and the Papists "will not spare to censure it.

Archbishop Abbot not relished at Court; an advantage taken against him.

The King made choice of the Lord Keeper, the Bishops of *London*, *Winton*, *Rocheſter*, *St. Davids*, and *Exeter*, Sir *Henry Hobart*, Justice *Doderidge*, Sir *Henry Martin*, and Doctor *Stuart*, to inform him of the nature of this cause, and the scandal that might arise thereupon; and to certify what the same may amount unto, whether to an irregularity, or otherwise; and what means may be found for redress. However this consultation was managed, the Archbishop was not deprived; but a Plant was growing up that over-topped him whilst he lived, and after his de- cease obtained the Primacy.

Doctor *Laud* who was first chosen to the Bishoprick of *St. Davids*, by the Mediation of the Lord Keeper *Williams*, and was consecrated by the Bishops of *London*, *Worceſter*, *Chicheſter*, *Ely*, *Landaff*, and *Oxon*; the Archbishop in the mean time was not thought irregular for the Casual Homicide.

This Bishop, Doctor *Laud*, was looked upon in those times as an *Arminian*,

An. 1622.

Bishop Laud suspected to incline to Popish Tenents while he was of Oxford, as appears by a notable passage.

Arminian, and a fierce opposer of *Puritans*; and while he lived in *Oxford*, suspected to incline to Popish Tenents, as may appear by his Letter of Complaint sent to his Patron, Doctor *Neal*, then Bishop of *Lincoln*, against a Sermon preached by *Robert Abbot*, Doctor of the Chair in *Oxford*; in which Letter he inclosed this (amongst other Passages) of the Doctors Sermon, viz:

“That men under pretence of Truth and Preaching against the Puritans, strike at the heart and root of Faith and Religion now established among us. That this Preaching against the Puritans was but the practice of *Parsons* and *Campions* counsel, when they came into *England* to seduce yong Students: And when many of them were afraid to lose their places, if they should professedly be thus, the counsel they then gave them was, That they should speak freely against the Puritans, and that should suffice. And they cannot intend that they are accounted Papists, because they speak against the Puritans. But because they indeed are Papists, they speak nothing against them. If they do at any time speak against the Papists, they do beat a little upon the Bush, and that softly too, for fear of troubling or disquieting the Birds that are in it.

I Came time enough (saith Mr. Laud) to be at the rehearsal of this Sermon, upon much perswasion, where I was fain to sit patiently, and hear my self abused almost an hour together, being pointed at as I sate. For this present abuse, I would have taken no notice of it, but that the whole University apply it to me, and my own Friends tell me I shall sink my credit if I answer not Dr. Abbot in his own. Nevertheless in a business of this kinde, I will not be swayed from a patient course; onely I desire your Lordship to vouchsafe me some direction what to do, &c.

The Arminians begin to be favored by the King, by means of Bishop Laud.

Favors shewed to Recusants by the Kings Order.

The *Arminian Sect* opposed by King *James*, and by his special concurrence lately broken in the *Netherlands*, by the beheading of *Barnewalt* the cheif of them, began in his latter times to spring up in *England*, and was countenanced by the said Prelate, who had newly obtained the opinion and favor of the Marques of *Buckingham*: The Kings main design then not suffering the suppressing of that way which in common judgment was inclined to Popery; or he thought to recover all his losses, and to salve all misfortunes by the Spanish Match. And for this cause he released multitudes of Priests and Popish Recusants then imprisoned, which the *Spaniards* professed to be a great demonstration of the Kings sincere affection, to confirm the correspondence and amity between the Crowns. And that this enlargement might be the more expedite and less chargeable, the King gave directions to the Lord Keeper *Williams*, Bishop of *Lincoln*.

Facobi 20.
1622.

THAT whereas he had formerly given order for the release of Recusants by removing them from the severall Goals of this Kingdom, to be bailed before the Justices of his Bench: And finding that this course will be troublesome to the poorer sort of them, he doth now require that Writs be directed to the Justices of Assizes, enabling and requiring them to enlarge such Recusants as they shall finde in their severall Goals, upon such conditions and securities as were required by the Judges of his Bench. Accordingly the Writs were issued forth under the Great Seal, and the Lord Keeper wrote to the Judges on this manner.

That

That the King having upon deep Reasons of State, and in expectation of the like correspondence from Forein Princes to the Professors of our Religion, resolved to grant some Grace to the imprisoned Papists, had commanded him to pass some Writs under the Broad Seal for that purpose. Wherefore it is his Majesties pleasure, that they make no niceness or difficulty to extend his Princely favor to all such as they shall finde prisoners in the Gaols of their Circuits for any Church Recusancy, or refusing the Oath of Supremacy, or dispersing o Popish Books, or any other point of Recusancy that shall concern Religion onely, and not matters of State.

But a general offence was taken at this Indulgence to Papists, and the Lord Keepers Letter to the Judges, which, how the Keeper endeavored to renounce, may be seen in his Letter written to a Person of Honor.

As the Sun in the Firmament appears unto us no bigger then a Platter, and the Stars are but as so many Nails in the Pummel of a Saddle, because of the enlargement and disproportion between our eye and the object: So is there such an unmeasurable distance between the deep resolution of a Prince, and the shallow apprehensions of common and ordinary people; That as they will ever be judging and censuring, so they must needs be obnoxious to error and mistaking: The King is now a most Zealous Intercessor for some ease and refreshment to all the Protestants in Europe, which were unreasonable, if he did now execute the rigor of his Laws against the Roman Catholicks.

The Lord Keepers Letter excusing the Kings favor towards Papists.

Our Viperous Countrymen, the English Jesuites in France, had many moneths before this favor granted, invited the French King, by writing a malicious Book, to put all the Statutes in execution against the Protestants in those parts, which were Enacted in England against the Papists, and (as they falsely informed) severely executed. Besides, these Papists are no otherwise out of prison, then with their shackles about their heels, sufficient Sureties, and good Recognizances to present themselves at the next Assizes; and their own demeanor, and the success of his Majesties Negotiations must determine whether they shall continue in this Grace.

But to conclude from the favor done to the English Papists, that the King favors the Romish Religion, is a composition of Folly and Malice, little deserved by a gracious Prince, who by Word, Writing, Exercise of Religion, and Acts of Parliament, hath demonstrated himself so resolved a Protestant.

As for his own Letter to the Judges, he said it recited onely four kindes of Recusancy capable o the Kings clemency, not so much to include them, as to exclude many other Crimes bearing the name o Recusancy, as, using the Function of a Romish Priest, seducing the Kings Leige-people from the established Religion, aspersing the King, Church, or State, or the present Government.

All which Offences, being outward practices, and no secret motions of the Conscience, are adjudged by the Laws o England to be meerly Civil and Political, and are excluded by the Letter from the benefit of those Writs.

But

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But because the peoples mouths were open, and some Preachers were too busie, and the Puritan party increased, the King gave directions for the regulation of the Ministry, in his Letters to the Lord Archbishop of Canterbury.

The Kings
Letter to the
Archbishop
for regulating
the Clergy.

Most Reverend Father in God, Right trusty and intirely beloved Counsellor, we greet you well. Forasmuch as the abuses and extravagancies of Preachers in the Pulpit, have been in all times suppressed in this Realm by some Act of Council, or State, with the Advice and Resolution of grave and learned Prelates, insomuch that the very Licencing of Preachers had beginning by an Order of Star-Chamber, the Eighth day of July, in the Nineteenth year of the Reign of King Henry the Eighth, our Noble Predecessor: And whereas at this present divers yong Students by reading of late Writers, and ungrounded Divines, do broach many times unprofitable, unsound, seditious, and dangerous Doctrines, to the scandal of the Church, and disquiet of the State and present Government. We upon humble Representations unto us of these Inconveniencies by your self, and sundry other grave and reverend Prelates of this Church, as also of our Princely care and zeal for the extirpation of Schism and Dissention growing from these Seeds, and for the settling of a religious and peaceable Government, both in Church and Commonwealth, Do by these our special Letters, straitly charge and command you to use all possible care and diligence, that these Limitations and Cautions herewith sent unto you, concerning Preachers, be duly and strictly from henceforth put in practice, and observed by the severall Bishops within your Jurisdiction. And to this end our pleasure is, that you send them forthwith Copies of these Directions, to be by them speedily sent and communicated unto every Parson, Vicar, Curate, Lecturer, and Minister in every Cathedral or Parish Church within their severall Diocesses; and that you earnestly require them to employ their utmost endeavors in the performance of this so important a business; letting them know, That we have a special eye unto their proceedings, and expect a strict accompt thereof, both from you and every of them. And these our Letters shall be your sufficient Warrant and Discharge in that behalf.

Given under our Signet at our Castle of Windsor, &c.

Directions concerning Preachers sent with the Letter.

Directions
concerning
Preachers.

- I. **T**hat no Preacher under the Degree and Calling of a Bishop or Dean of a Cathedral, or Collegiat Church (and they upon the Kings days, and set Festivals) do take occasion by the expounding of any Text of Scripture whatsoever, to fall into any set discourse or common place, otherwise then by opening the Coherence and Division of the Text; which shall not be comprehended and warranted in Essence, Substance, Effect, or Natural inference, within some one of the Articles of Religion set forth One thousand five hundred sixty and two; or in some of the Homilies set forth by Authority of the Church of England: Not onely for a help for the Non-Preaching, but withal for a pattern and boundary (as it were) for the Preaching Ministers. And for their further Instructions for the performance hereof, that they forthwith read over and peruse diligently the said Book of Articles, and the two Books of Homilies.

II. "That

A II. "That no Person, Vicar, Curate, or Lecturer, shall Preach any
 "Sermon or Collation hereafter, upon Sundays and Holidays in the
 "afternoon, in any Cathedral or Parish Church throughout the King-
 "dom; but upon some part of the Catechism, or some Text taken out of
 "the Creed, Ten Commandments, or the Lords Prayer, (Funeral Ser-
 "mons only excepted.) And that those Preachers be most encouraged
 "and approved of, who spend the Afternoons Exercise in the Examina-
 "tion of Children in their Catechism, which is the most antient and
 "laudable custom of Teaching in the Church of *England*.

B III. "That no Preacher of what Title soever under the degree of
 "a Bishop or Dean at the least, do from henceforth presume to Preach
 "in any Popular Auditory, the deep points of Predestination, Election,
 "Reprobation, or of the Universality, Efficacy, Resistibility, or Ir-
 "resistibility of Gods Grace, but leave those Themes rather to be
 "handled by the Learned Men, and that Moderately and Modestly
 "by way of Use and Application, rather then by way of Positive
 "Doctrines, being fitter for the Schools, then for simple Audi-
 "tories.

C IV. "That no Preacher of what Title or Denomination soever,
 "from henceforth shall presume in any Auditory within this Kingdom,
 "to declare, limit, or bound out, by way of Positive Doctrine in any
 "Lecture, or Sermon, the Power, Prerogative, and Jurisdiction, Au-
 "thority or Duty of Sovereign Princes, or otherwise meddle with
 "matters of State, and the differences between Princes and the peo-
 "ple, then as they are instructed and presided in the Homilies of
 "Obedience, and the rest of the Homilies and Articles of Religion
 "set forth (as before is mentioned) by Publick Authority, but ra-
 "ther confine themselves wholly to those two heads of Faith and
 "good Life, which are all the Subject of the Antient Sermons and
 "Homilies.

D V. "That no Preacher of what Title or Denomination soever,
 "shall presume causelessly, or (without invitation from the Text) to
 "fall into bitter Invectives and undecent railing Speeches against the
 "persons of either Papists or Puritans, but modestly and gravely, when
 "they are occasioned thereunto by the Text of Scripture, free both the
 "Doctrine and the Discipline of the Church of *England* from the asper-
 "sions of either Adversary, especially where the Auditory is suspected
 "to be tainted with the one or the other infection.

E VI. Lastly, "That the Archbishops and Bishops of the Kingdom
 " (whom his Majesty hath good cause to blame for their former remis-
 "ness) be more wary and choice in their Licencing of Preachers, and
 "revoke all Grants made to any Chancellor, Official, or Commissary,
 "to pass Licences in this kinde: And that all the Lecturers throughout
 "the Kingdom of *England* (a new body severed from the Antient
 "Clergy, as being neither Parsons, Vicars, nor Curates) be Licenced
 "hence-forward in the Court of Faculties, by Recommendation of the
 "party, from the Bishop of the Diocese under his Hand and Seal, with a
 "Fiat from the Lord Archbishop of *Canterbury*, a Confirmation under
 "the Great Seal of *England*. And that such as do transgress any one of
 "these Directions, be suspended by the Bishop of the Diocese, or in his
 "Default by the Archbishop of the Province, *Ab officio & beneficio*, for
 "a year and a day, until his Majesty by the Advice of the next Convo-
 "cation shall prescribe some further punishment.

An. 1622.

The new K.
of Spain, Pub-
ly the Fourth,
procures the
Popes assent
to the Match.

The Infanta
cools in the
Palsgraves
business.

The pretend-
ed Obstacles
of the Treaty
removed.

Heidelburgh
besieged.

New Condi-
tions demand-
ed of the King
before the
Pope gives a
Dispensation.

These Directions were warily communicated by the Archbishop of *Canterbury* to the Bishops within his Province.

The King lost no time in pursuing the Match with *Spain*; but the Dispensation from *Rome*, which was the Key of the business, had long lain in a kinde of Dead-Palsie, till the new King of *Spain* had by a Letter quickned the Pope; whereupon there ensued a Congregation of Cardinals to determine the matter, and afterwards the Popes assent: And then the Court of *Spain* declared such an intire Agreement for the Alliance with *England*, that King *James* was satisfied, and could expect no further difficulty.

But his intelligence from *Bruxels*, and all other parts of the World, did quickly cool, and almost quench his hopes. Sir *Richard Weston* was a man approved by *Gondomar*, who commended the Kings wisdom in the Election of so fit a Minister for the Treaty at *Bruxels*; yet the man so well disposed and suited to the Kings designs, wrote desperate Letters of the *Infanta's* cold and unworthy manner of Treating in that important business of restoring the *Palsgrave*.

Whilest the King of *Englands* proceedings were so just and clear, the Count *Palatine* was retired to *Sedan*, and there sojourned with his Uncle the Duke of *Bouillon*, and his Partizans, Duke *Christian* of *Brunswick*, and Count *Mansfield*, the pretended obstacles of the Treaty, were removed, and had taken another course. *Mansfield* went for *Holland*, where the States intended to use him for the raising of the siege of *Bergen*, by cutting off the Convoys between *Antwerp* and the Spanish Leagure: And King *James* had lately offered, That in case the forces of *Mansfield* and *Brunswick* would not rest, but still perturb the Treaty, he would joyn with the Emperor, and the Arch-Dutcheffs, to quiet them: And the English Companies in the *Palatinate* being penned up in Garrisons, could not cause disturbance.

In the mean while, that miserable Countrey was burnt and sacked in the sight of the English Ambassador. And now the Imperial and Bavarian forces fall to the besieging of *Heidelburgh*.

When the Ambassador at *Bruxels* complained of these proceedings, he received frivolous Answers mixed with Recriminations. All that *Weston* obtained, was, onely Letters of intreaty from the *Infanta* to the Emperors Generals to proceed no further, though she had before acknowledged a full power from the Emperor to conclude the desired Cessation: But they pretended that they would restore all, when all was taken.

For this cause Sir *Richard Weston* acquainted the Marquess of *Buckingham*, that he could not discern how the weak Hopes given him at *Bruxels*, could agree with those strong Assurances given by the Lord *Digby* from the Court of *Spain*.

Moreover to protract the *Palsgraves* business, the Emperor takes occasion to appoint a Dyet at *Ratisbone*, contrary to his own promise, as himself acknowledged.

Mr. *Gage* returned from *Rome*, with no better fruit of his Agency; for the Dispensation cannot pass, till the King give satisfaction to a number of new Conditions, which before were never dreamed of, and had this mischief in them to bring the King in jealousy with the greatest part of his Subjects. A peece of Juggling was observed in this Negotiation: For some points of larger Indulgence whereunto King *James* had yielded, were concealed from the Pope by the Ministers of the King of *Spain*.

The

20 Jacobi.

The Court then devised to put a good face upon an ill Game, and good Sawce to an unsavory Dish: For all the World expecting that *Gage* should bring the Dispensation at his first arival, they made him give out, That it was passed in *Rome*, and sent from thence to *Spain*.

A But the King made a close pursuit, and resolved they should not escape him. The Popes Demands superadded to the Articles of Marriage were taken in hand, and Resolutions were given upon them in manner following.

To the Demand of a Publick Church in *London*, besides a Domestick Chappel, assigned to the *Infanta* and her Family, the King made Reply,

The Kings Answer to the said Demands.

B That it was more then was assumed by himself, or his Son the Prince, That the Chappel allowed was not a private Oratory, but in effect a Church, where the World might take notice of the Religion which the *Infanta* professed in publick manner.

To another Demand, That the Superior Minister having Ecclesiastical Authority, be in *Ordine Episcopali*; he answered, That he would leave it to the King of *Spain* to appoint as he shall judge expedient.

But whereas the Pope required, That the Ecclesiasticks be subject to no Laws but of their own Ecclesiastical Superiors; his answer was, That exemption seemed strange, as not allowed in all States and Countreys that were of the *Roman* Religion.

C As for the Education of the Children under the Mothers government; Let the King of *Spain* judge indifferently (said the King) how unfit it were for us to declare to the World, That we engaged our self to permit our Grand-children to be brought up unto years of Marriage, in a Religion which we profess not, and which is not publicly professed in our Kingdom. And further then we have already assented in general, to leave the Children under the Mothers tuition for a longer or shorter time, according to their constitution and health, (which may possibly reach unto the time required by the Pope) We can by no means condescend, unless the King of *Spain* think it fit to limit the time to a certainty.

D And whereas the Pope expected some larger offers for the general good of the *Roman* Church; the King shewed, That the Articles of Religion agreed upon between himself, and the late King of *Spain*, were accounted so satisfactory in the judgment of the Learnedst, and greatest Clergy of *Spain*, That they declared their opinion, that upon the offer of such Conditions, the Pope ought not to withhold the Dispensation.

E And he said further, That the Pope was satisfied, that he of his own Authority could not grant a general Liberty of exercising the *Roman* Religion; And what is it that they would have? For setting that aside, he had in a manner done already all that was desired, as all the *Roman* Catholicks have found, out of his gracious Clemency towards them, and will no doubt acknowledge.

F This Resolution the King sent into *Spain* (for he would not seem to Treat with *Rome*) and therewith this Letter to the Lord *Digby*, now made Earl of *Bristol*.

An. 1622.

Right Trusty and Welbeloved,

Our pleasure is, that immediately you crave Audience of that King, and represent unto him the merit that we may justly challenge to our self, for our sincere proceedings with the Emperor and him: Notwithstanding the many Invitations and Temptations, we have had to engage our self on our Son in Law's part. That we have both from the Emperor, and from him, hopes given us from time to time of extraordinary respect, (howsoever our Son in Law had deserved) which we have attended and expected, even to the last with much patience, and in despite as it were of all opposition, which might shake our Resolution in that behalf: If now, when all impediments are removed, and the way is so prepared, as that the Emperor may give an end unto the War, and make some present Demonstration of his respect towards us, in leaving us the honor of holding those poor places which yet remain quietly, and peaceably, until the general Accommodation, the same shall nevertheless be violently taken from us; What can we look for, if the whole shall be in his hands and possession? who amuzing us with a Treaty of Cessation, and protracting it industriously (as we have reason to believe) doth in the mean time seize himself of the whole Countrey. Which being done, our Ambassador shall return with scorn, and we remain in dishonor: And therefore as we have heretofore sundry times promised in testimony of the sincerity of our proceedings, and of our great desire to preserve the Amity inviolable between us, and the whole House of Austria; that in case our Son in Law would not be governed by us, that then we would not onely forsake him, but take part and joyn our forces with the Emperors against him. So you may fairly represent unto that King, That in like manner we have reason to expect the same measure from him: That upon the Emperors aversness to a Cessation, and Accommodation, he will likewise actually assist us for the recovery of the Palatinate, and Electoral Dignity to our Son in Law, as it hath been often times intimated from Spain. Yet our meaning is to carry all things fair with that King, and not to give him any cause of distrust or jealousy, if you perceive that they intend to go really and roundly on with the Match: Wherein nevertheless we must tell you, That we have no great cause to be well-pleased with the diligencies used on that part, when we observe that after so long an expectance of the Dispensation, upon which the whole business, as they will have it, depends, there is nothing yet returned but *Queres and Objections*.

We have thought fit to let you know, how far we are pleased to enlarge our self concerning those points demanded by the Pope: And further then that, since we cannot go without much prejudice, inconvenience, and dishonor to our self, and our Son; we hope and expect that the King of Spain will bring it instantly to an issue without further delay, which you are to press with all diligence and earnestness: But if respite of time be earnestly demanded, and that you perceive it not possible for them to resolve until an answer come from Rome, We then think it fit, that you give them two moneths time after your Audience, that we may understand that Kings final Resolutions before Christmas next at the furthest.

Likewise the Conde Gondomar who was lately called home, is roused by a Letter from England, on this manner,

“Here

The King
sends his Re-
solution to
Dignity in Spain,
now made
Earl of North.

20 Jacobi.

Likewise a Letter was sent to Gondon, newly recalled into Spain.

“Here is a King, and a Prince, and a faithful Friend and Servant, *Buckingham*, besides a number of other Friends, to whom every day seems a year, till the Match be accomplished; all things are prepared on our parts, Priests and Reculants are at liberty, and the Prisons are filled with zealous Ministers: Orders are published for the Universities and Pulpits, that none shall hereafter be meddling, but that all

A “Preach Christ crucified.
“His Majesty never looked to the rising or falling hopes of his Son in Laws fortunes, but kept in the same course that seems most agreeable to Honor and Justice, and the Peace of Christendom. And *Gondomar* did beseech the King to suffer himself once to be deceived by *Spain*, and promised when the Match was first moved, and the King persuaded to break with *France*, That he should be prest to nothing, but what might stand with Conscience and Honor, and the love of his

B “people.
“And whereas the Pope would know what *Bonum Publicum* will be granted, We remit it to your Conscience, whither the favors daily granted to Catholics, which the King resolves to continue, if not to increase, be not a real publick good, considering if the Match break off, his Majesty will be importunately urged by his people, to whose assistance he must needs have recourse, to give life and execution to all Penal Laws, now hanging over the heads of Catholics.

C According to the Kings direction, the Earl of *Bristol* presented a Memorial to the King of *Spain*, and from him and his Ministers received this return.

The Answer to the Memorial presented by the Earl of *Bristol* to the Spanish King.

“That for the accomplishing of the Match on their part, there should not one day be lost; for the dispatch thereof imported them no less than the King of Great Britain: And for the *Palatinate*, they will seek his intestine satisfaction; and they refer it to his own just judgment, whether their forces were called out of the *Palatinate*, with an evil intention, or merely for the defence of *Flanders*, which otherwise had been put in great hazard by Count *Mansfield*: That the besieging of *Heidelburgh* was no way by their consent, or knowledge, but was generally disapproved by them. And if it should be taken, and the Emperor refuse to restore it, or to condescend to such Accommodation as should be adjudged reasonable, the King of Great Britain shall be infallibly assisted with the Arms of *Spain* for the restoring of the *Palatine*.

E And as concerning the Match, *Bristol* seemed so confident as to declare to the King his Master, “That he should not willingly give his Majesty hope upon uncertain grounds; so he would not conceal what the Spanish Court professed, which was to give his Majesty both real and speedy satisfaction. And he affirmed, If they intended it not, they were falser then all the Devils in Hell, for deeper Oaths and Protestations of Sincerity could not be made.

Bristol gives the King hope of the Match.

F But in the mean while, the Town and Castle of *Heidelburgh* were taken, and the English Companies put to the sword, and Sir *Edward Herbert* the Governor was slain, after he had broken four Pikes in charging the Enemy. The besieging of *Manheim*, and the blocking of *Frankendale*, followed the loss of *Heidelburgh*.

Heidelburgh taken.

The King provoked, sends his former Resolutions with anew dispatch into *Spain*.

King *James* provoked by the continual progress of these Indignities, was impatient of staying for a Reply from *Spain* to his former Letters, but

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but seconded those Resolutions with a vehement new dispatch, the Third of *October*, in a peremptory stile, as it well became him; Commanding the Earl of *Bristol*, to let that King understand how sensible he was of the Emperors proceedings towards him; and withal, not a little troubled to see that the *Infanta* at *Bruxels*, having an absolute Commission from the Emperor, to conclude a Cessation and Suspension of Arms, should now at last, when all Objections were answered, and the former solely pretended Obstacles removed, not onely delay the Conclusion of the Treaty, but refuse to lay her Commands upon the Emperors Generals for abtaining from the Garisons, during the Treaty, upon a pretext of want of Authority: So as for the avoiding of further dishonor, he hath been forced to recal both his Ambassadors, as well the Chancellor of his Exchequer from *Bruxels*, as also the Lord *Chichester*, whom he intended to have sent unto the Emperor to the Dyet at *Ratisbone*.

He further enjoyned his Ambassador, That having delivered his sense of things, he should demand of the King of *Spain* a promise under his Hand and Seal, that the Town and Castle of *Heidelburgh* shall be delivered to the *Palatine* within seventy days after the Audience, and the like for *Manheim* and *Frankendale*, if they be taken. That within the said term of seventy days a Suspension of Arms in the *Palatinate* be concluded upon the Conditions last propounded by Sir *Richard Weston* at *Bruxels*; and that a general Treaty shall be again set on foot upon such honorable terms as were tendered to the Emperor in *November* last. But if these particulars be refused or delayed by the Emperor, that the King of *Spain* shall joyn forces with the King of Great Britain, for the recovery of his Childrens Honors and Patrimony. And if he cannot give assistance, that he will at least allow him a free and friendly passage through his Territories for the forces to be employed in that service.

Of these points distinctly, if the Ambassador should not receive a direct assurance, he was to take his leave of that King, and to return into his Masters presence. But the King annexed this private Instruction, That in case a Rupture happened, it might be managed to the best advantage. Wherefore he should not instantly come away, but send him secret intelligence, and in publick give out the contrary.

Immediately upon these Demands, an Order was sent from *Spain* to *Bruxels*, for the relief of *Manheim*, but it came too late; for before the arival thereof, the Town was yielded into the hands of *Tilly*: But had it come in season, the effect thereof might be guessed by *Tilly's* Reasons presented to the Arch-Dutchess against raising the siege of *Manheim*, and the restoring of *Heidelburgh*, to this purpose.

That he could not do it without the Emperors expresse consent, and that the winning of *Manheim* was to be hastned to prevent the machinations of evil Neighbors, who were plotting new Commotions in favor of the Count *Palatine*, and especially to obviate the designs of Count *Mansfeld*.

And lastly, That the Emperor and the Catholick League, having settled all *Germany*, might give the Law to their Opposites, and settle a peace upon their own terms.

How little the Emperor attributed to the Kings Humanity, and upright dealing, which he applauded in shew, might be discerned by sure Advertisements of his purpose, to propound in the Dyet at *Ratisbone*, his promise of translating the *Palatine* Electorate to the Duke of *Bavaria*, as a thing irrevocable.

More-

In the mean time *Manheim* is taken.

The Emperors Intentions to King *James* not good,

Moreover, the King of Spain, the Fifth of November, 1622. in the height of those Professions made to the English Ambassador, touching the Marriage, wrote on this manner to his Grand Favorite, the Conde Olivares.

20 Jacobi.

A **T**He King my Father declared at his Death, That his intent never was to marry my Sister, the Infanta Donna Maria with the Prince of Wales; which your Uncle Don Balthazar understood, and so treated this Match ever with intention to delay it; notwithstanding it is now so far advanced, that considering all the aversness unto it of the Infanta, it is time to seek some means to divert the Treaty, which I would have you finde out, and I will make it good whatsoever it be. But in all other things procure the satisfaction of the King of Great Britain (who hath deserved much) and it shall content me, so that it be not in the Match.

Not the King of Spain, who wrote his Letter to Conde Olivares.

B Olivares wrote a Letter deliberative, the Eighth of November, 1622. and propounded an Expedient to the King of Spain, in these words.

C **S**IR, Considering in what estate we finde the Treaty of Marriage between Spain and England, and knowing certainly how the Ministers did understand this business that Treated it in the time of Philip the Third, that is in Heaven, that their meaning was never to effect it, but by enlarging the Treaties and Points of the said Marriage, to make use of the Friendship of the King of Great Britain, as well in matters of Germany, as those of Flanders: And imagining likewise that your Majesty is of the same opinion (though the Demonstrations do not shew so) joyning to these Suppositions; that it is certain the Infanta Donna Maria is resolved to put her self into a Monastery the same day that your Majesty shall press her to this Marriage: I have thought fit to represent unto your Majesty, that which my good zeal hath offered me in this occasion, thinking it a good time to acquaint your Majesty withal, to the end you may resolve of that which you shall finde most convenient, with the advice of those Ministers you shall think fit to make choice of.

Olivares Answer.

D The King of Great Britain doth finde himself at this time equally engaged in two businesses; the one is this Marriage, to which he is moved by the conveniencies he findes in your Majesties friendship, by making an Agreement with those Catholicks that he thinks are secretly in his Kingdom; and by this to assure himself of them, as likewise to marry his Son to one of the House of Austria, knowing, that the Infanta Donna Maria is the best born Lady in the World. The other business is, the restitution of the Palatinate, in which he is more engaged; E for beside that his Reputation is at stake, there is added the love and interest of his Grand-children, Sons of his onely Daughter: So that both by the Law of Nature and Reason of State, he ought to put that forward, whatever inconveniencies might follow by dissembling what they suffer.

F I do not dispute whither the King of Great Britain be governed in this business of the Palatinate by Act or Friendship; I think a man might say he used both, but as a thing not precisely necessary to this Discourse, I omit it. I hold it for a Maxim, that these two Engagements in which he findes himself, are inseparable; for although the Marriage be made, we must fail of that which in my way of understanding is most necessary, the restitution of the Palatinate.

This being supposed, Having made this Marriage in that form as it is Treated, your Majesty shall finde your self, together with the King of Great Britain, engaged in a War against the Emperor and the Catholick League: A thing which to hear, will offend your godly ears, or declaring your self for the Emperor.

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Emperor, and the Catholick League, as certainly your Majesty will do, then you will finde your self engaged in a War against the King of England, and your Sister married with his Son; with the which, all whatsoever reasons of Conueniency that were thought upon in this Marriage, do cease. If your Majesty shall shew your self Neutral, as it may be some will propound; That, first, will cause very great scandal, and with just reason, since in matters of less opposition, then of Catholicks against Hereticks, the Arms of this Crown have taken the godly part, against the contrary party; and at this time the Frenchmen fomenting the Hollanders against your Majesty, your Piety hath been such, that you have sent your Arms against the Rebels of that Crown, leaving all the great considerations of State, onely because these men are Enemies to the Faith, and the Church.

It will oblige your Majesty, and give occasion to those of the League to make use of the King of France, and of other Catholick Princes ill-affected to this Crown; for it will be a thing necessary for them to do so: And those even against their own Religion, will foment and assist the Hereticks for hatred to us. Without doubt they will follow the other party, onely to leave your Majesty with that blemish, which never hath befallen any King of these Dominions. The King of England will remain offended and enraged, seeing that neither interest, nor helps do follow the Alliance with this Crown, as likewise with Pretext of particular resentment, for having suffered his Daughter and Grand-children to be ruined for respect of the said Alliance.

The Emperor though he be well-affected and obliged to us in making the Translation at this time, as businesses now stands, (the Duke of Bavaria being possessed of all the Dominions) although he would dispose all according to our Conueniencies, it will not be in his power to do it, as your Majesty and every body may judge; and the Memorial that the Emperors Ambassador gave your Majesty yesterday, makes it certain; since in the List of the Soldiers, that every one of our League is to pay, he sheweth your Majesty, that Bavaria for himself alone, will pay more then all the rest joynd together; the which doth shew his power and intention, which is not to accommodate matters, but to keep to himself the Superiority of all in this broken time, the Emperor is now in the Dyet, and the Translation is to be made in it.

The Proposition in this estate, is by considering the means for a Conference, which your Majesties Ministers will do with their Capacities, Zeal, and Wisdom; and it is certain they will herein have enough to do. For the difficulty consists to finde a way to make the present estate of affairs straight again, which with lingring, as it is said, Both the power and time will be lost. I suppose the Emperor, as your Majesty knoweth by his Ambassador, desires to marry his Daughter with the King of Englands Son. I do not doubt but he will be likewise glad to marry his Second Daughter with the Palatines Son: Then I propound that these two Marriages be made, and that they be set on foot presently, giving the King of England full satisfaction in all his Propositions for the more strict Union and Correspondency, that he may agree to it. I hold for certain, that all the Conueniencies that would have followed the Alliance with us, will be as full in this: and the Conueniencies in the great Engagement are more by this; for it doth accommodate the matter of the Palatinate, and Succession of his Grand-children with Honor, and without drawing a Sword, and wasting Treasure. With this Interest, the Emperor with the Conueniencies of the King of England and the Palatinate, the onely means in my way of understanding to hinder these great dangers that do threaten, may accommodate the business, and not sever himself from the Conueniencies and Engagements of Bavaria; and after I would reduce the Prince Elector, that was an enemy, to the obedience of the Church, by breeding his Sons in the Emperors Court with Catholick Doctrine.

A The Business is great, the Difficulties greater perchance then have been in any other case. I have found my self obliged to present this unto your Majesty, and shall shew, if you command me, what I think fit for the disposing of the things, and of the great Ministers which your Majesty hath. I hope, with the particular Notes of these things, and all being helped with the good zeal of the Conde Gondomar, it may be, God will open a way to it, a thing so much for his, and your Majesties service.

B Such Consultations had the Catholick King in his Cabinet-Council, whilst he pretended so much zeal to a Closure with England: Inasmuch that King James professed to have taken great contentment in the Dispatches of the Earl of Bristol, as full and satisfactory. And though the Order sent to the Archduchess for the Relief of *Anheim* arrived too late, yet he acknowledged it to be an argument of that Kings sincere intentions.

C But the Kings hopes were still deferred, and these Delays were palliated by the stop of the Dispensation, till the Pope were further satisfied in the time of the Childrens education under the Mothers government, and the exemption of Ecclesiastical persons from all Secular jurisdiction. And the Spaniards did not spare to stretch the Kings ductile spirit: For he was willing to stand obliged by a private Letter, that the Children should be kept under the Mothers wing till the age of Nine years; but he desired for Honors sake, that no more then Seven might be express in the Publique Articles.

D But this Enlargement would not satisfy; He must come up to the allowance of Ten years, which was the lowest of all to be expected; and so he was brought at length to wave his Honor, and to insure this Concession by a Publique Ratification. And for the Exemption of Ecclesiasticks from the Secular power; thus far he yielded, That the Ecclesiastical Superior do take notice of the offence that shall be committed, and according to the merit thereof, either by Degradation deliver him to Secular Justice, or banish him the Kingdom.

E Bristol's importunate Negotiation procured this Answer from the King of Spain. First, touching the Marriage, being desirous to overcome all difficulties that might hinder this union, he had endeavoured to conform himself with the Resolutions given by the King of Great Britain to the Popes Propositions, and had dispatched a Post to Rome; that his Holiness judging what hath been here concluded, and held sufficient, might grant the Dispensation, which he engageth to procure within three or four moneths at the farthest: And in the interim, that no time be lost, the remaining Temporal Articles shall be treated and concluded.

F As touching the *Palatinate*, by his late Dispatches into *Flanders*, due course is taken to settle all things as may be desired: But until it be known what effects the same hath wrought, and what the Emperor will reply, no Answer can be given in writing to the Particulars contained in the Ambassadors Memorial.

Bristols Answer from the King of Spain.

Moreover, the Popes Demands to which King James took exceptions, being now accommodated by the King of Spain, were sent into England, and presently signed by the King and Prince, without the change of a word.

The Popes Demands signed by the King and Prince.

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Frankendale
block'd up by
Papenheim.

The King
writes to
Bristol.

The Electorate
conferred upon
the Duke
of Bavaria in
the Diet at
Ratisbone.

The Prote-
stant Princes
plead for the
Palatine's re-
stitution.

King *James* having strong assurance that the Dispensation must needs be granted speedily, appointed his Agent *Gage*, who was now again at *Rome*, to present to the Pope and certain Cardinals those Letters which lay in his hand to be delivered at a fit season. The Kings Letter to the Pope, gave him the stile of *Most Holy Father*. Likewise he directed the Earl of *Bristol* to proceed to the Temporal Articles, and to consummate the whole business.

But while the King had so much zeal and confidence in his Applications to *Spain* and *Rome*, the *Palatinate* is left at random, upon the *Spaniards* loose and general promises: For, Colonel *Papenheim* had block'd up *Frankendale*, the onely Hold whereby the *Palsgrave* kept a footing in his ruined Country. The Imperialists laughed to think that the English Garrison should expect Relief by the Orders sent from *Spain* to *Bruxels*: And when the King had made an offer to sequester the Town of *Frankendale* into the *Infanta's* hands, upon the same assurance from her which herself had offered before the loss of *Manheim*, (which was to restore the place, whether a peace with the Emperor, or a rupture followed) she was fallen away from that proposition, and would accept the sequestration only upon a simple trust to render it again at the expiration of eighteen moneths.

In this state of affairs, the King wrote thus to his Ambassador in the Spanish Court. Concerning the unfortunate knotty affair of the *Palatinate*, to say the truth, as things now stand, we cannot tell what you could have done more then you have already done. Moreover he shewed, That the reason of his late peremptory Instructions concerning a direct Promise of Restitution, was the gross delay at *Bruxels* while *Heidelburgh* was taken, and *Manheim* beleaguered: As also *Gages* coming from *Rome*, and in stead of the Dispensation, presenting him with new demands to engage him in a Dispute or Treaty with the Pope, which he said he never intended. Wherefore at the instance and perswasion of his Council, he was moved to urge the matter so, as to bring it to a sudden period: Not but that the precisest of them were always of opinion, That if the Match were once concluded, the other business would be accommodated to his satisfaction. Then was the Ambassador required to stir up that King to use all effectual means for diverting the Translation of the Electorate in the present Diet: Likewise to make him an offer of *Frankendale* by way of sequestration, upon condition of restoring it in the case as now it stands, whether the Peace succeed or not.

But in the Diet held at *Ratisbone*, the Emperor declared the *Palatine* to be the Cause and groundwork of all those Wars and miseries; and that the Electorate of this proscribed Enemy being devolved into his hands, he had conferred it upon the Duke of *Bavaria*, who in this Cause and service had spent his Treasure, and hazarded his blood against his own Nephew the *Palsgrave*.

The Protestant Princes desired the Emperor to consider, That in so high a Cause as the disposing of an Electorate, and so principal a Person in the Colledge of Electors, who uncited, unheard, and without all knowledge of the Cause hath been condemned, and against all Equity oppressed by the Publication of the Ban; His Imperial Majesty should not have proceeded so rigorously without the advice and consent of the other Electors, as was agreed upon in the Capitulation Royal, and Fundamental Law of the Empire. And since the Diet was called for restoring the Peace of the Empire, it were

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were necessary in the first place to remove the Obstacles, those extreme Executions in *Bohemia*, which may make that people desperate, and which the Lutheran States following the Augustane Confession have their eyes upon. And though it be given out, that the severity there exercised is merely for private Justice, yet it is so linked with the Publique Cause, that unless it be speedily ended, and the two Churches in *Prague* again opened, and the free exercise of Religion permitted, they can see no sure Peace, but desolation and ruine like to follow. And for the Prince Palatine, seeing he is already sufficiently punished, it were commendable in his Imperial Majesty to restore him, upon submission, to his Lands and Dignities; otherwise there is no likelihood of restoring Peace. And in transferring the Electorate, if it must be so, this main thing were to be considered, Whether the exclusion of the *Palgrave's* person doth exclude his Children, who by the providence of their Ancestors, before this act of their Father, had an hereditary right thereunto: Or whether that Prince's Brother, or other of the Kindred who have no way offended, should be in this case neglected? This will be ill resented by the other Electors and Princes allied to the *Palatine*, who have been quiet hitherto upon confidence of the Emperors clemencie; But perceiving all hopes of recovering the Electoral Dignity to their Family taken away, must needs have recourse to Arms. They further added, That the *Palatine* was young, and abused by evil Counsels, and no way the Author of the stirrs in *Bohemia*. Wherefore they give their advice, That his restoring will quiet the otherwise endless troubles of the Empire, and for ever engage him and all his Allies, and the whole Electoral Colledge to his Imperial Majesty.

The Catholick Princes answered, That the Palatinate being devolved upon the Emperor, he may bestow it according to his own pleasure; And that he cannot safely hold any terms of Amity with the *Palatine*: That the impunity of so great an Offender, will encourage others to offend: And as for by-past sufferings, there hath been little difference between his and the Emperors, though the Cause were far different: And that *Mansfeld* his General is yet in the Field, and prosecutes his Cause by force of Arms.

The other Party replied, That the security of the Imperial Dignity and the safety of the Empire consisted in the Concord between the Emperor and the Princes Electors; And if his Imperial Majesty shall use this rigor, the Princes of *Lower Saxony* are of opinion that there can be no Peace established: But this desired Reconciliation will give the Emperor a quiet possession of the Provinces recovered by the aid of the Electors and Princes; otherwise there is a fair pretention left for the renewing of the War, for that the *Palatines* Sons and Brother are passed by in the translation of the Electorate; and the King of *Great Britain* cannot but take it ill, to see his endeavors produce no better effect, but that his onely Daughter and her Children are left in Exile.

The Emperor takes up the debate, and sheweth, That before the Ban was published, he desired nothing more then that a Diet might be convoked; which being impeded by the prosecution of the War, he could do no less then publish this Proscription to repress the *Palatine*; which some that now dispute it, did then declare to be legal and necessary: And this proscribed Enemy he will not restore to the Electoral Dignity, nor yet defer to compleat the number of Electors.

The Catholick Princes reply.

The Protestants re-assume the argument.

The Emperor takes up the debate.

A.D. 1622.

Sir Dudley Carlton
Ambassador
Resident at the
Hague, sends
his notice
of the matter
to the Marquis
of Buckingham.

The Prince
and the Marquis
quit of England
to go into
Spain.

Buckingham
visits Olivares,
and by him is
conducted to
the King.

Orders for the
Prince's en-
tainment.

Thus have we good words from *Spain*, and miserable usage from all the rest of the House of *Austria*. Sir *Dudley Carlton* Ambassador Resident at the *Hague*, assured the Marquis of *Buckingham*, That though the Spanish Ambassador *D' Ognat* in publique opposed the Emperor in transferring the Electorate, yet the judgment generally made upon it was this, That it was a meer Patelinage with a secret understanding to abuse King *James* his goodnets. Likewise the Emperor not content to have chased the *Palgrave* out of *Germany*, in the Propositions of the former Diet, made this an Article to make War upon the United Provinces, because (among other quarrels) they gave refuge to the expelled *Palatine*. Nevertheless King *James* resolved to wait upon the Match with *Spain*, as the onely means to consolidate these publique fractures in Christendom.

And now behold a strange Adventure and Enterprize! The Prince and the Marquis of *Buckingham*, accompanied with *Cottington* and *Endimion Porter*, Post in Disguise to *Spain* to accelerate the Marriage. The 17. of February they went privately from Court, and the next day came to *Dover*, where they imbarqued for *Boloign*, and from thence rode Post to *Paris*, where they made some stop. The Prince, shadowed under a bushy Peruque, beheld the splendor of that Court, and had a full view of the Princess *Henrietta Maria*, who was afterwards his Royal Consort. For besides the great privacie of the Journey, they had so laid the English Ports, that none should follow or give the least advertisement, until they had gotten the start of Intelligencers, and passed the bounds of *France*. Howbeit they escaped narrowly, and a swift Intelligence sent to the King of *Spain* from *Don Carlos Coloma* was even at their heels before they arrived at *Madrid*.

The Prince and *Buckingham* being in the Territories of *Spain*, to make but little noise, rode Post before their Company. The 7. of March they arrived at *Madrid* the Royal residence, and were conveyed with much secrecie into the Earl of *Bristols* house. The next morning the Earl acquainted *Gondomar* with the arrival of the Marquis of *Buckingham*: *Olivares* sends immediately to desire leave to visit the Marquis, which was by no means permitted; but in the evening the Marquis went privately accompanied with the Earl of *Bristol*, Sir *Walter Aston*, and *Conde Gondomar*, and met this great *Conde* in a place near the Palace, and after some Converse was led by a back-way into the Kings quarter, and had private Audience of the King; who received him with extraordinary courtesies, and expressions of so great joy, that might signifie he was not ignorant of the Princes arrival also: Infomuch that the *Conde Olivares* having procured the Kings leave, went back with the Marquis of *Buckingham* and kissed the Princes hands.

After this, the King and State devise how to give his Highness the most honorable reception. Instantly they decree, That upon all occasions of meeting he shall have the precedencie of the King; That he shall make his entrance into the Royal Palace in that form of State which is used by the Kings of *Spain* on the day of their Coronation, and that one of the chief quarters in the Kings house shall be prepared for his Lodgings; That an Hundred of the Guard attend him, and all the Council obey him as the Kings own person.

The Common sort did magnifie this brave Adventure, and express his Welcom by shouts and acclamations of joy, and presently they marry him to the *Infanta* as it were by publique voice. And the King, to please

him

him with a fight of his Mistress, went abroad to visit a Monastery, with the Queen, the *Infanta*, and his Brothers *Don Carlos* and the *Infant-Cardinal*: So that his Highness had the happiness of a full View in several places.

20 Jacob.

The Prince sees the *Infanta*.

Is entertained honorably by the King.

A The King in person gave him several Visits, and forced him to take the hand and place of him. Divers *Grandeess* and prime Officers of State came to present their service, and as yet none did visit him but by the Kings special order. A General Pardon was published; the Prisons were opened, and hundreds of Offenders were set at liberty; And a late Proclamation against Excess in Apparel was revoked. Neither may we forget the Kings strain of Complement in the Advancement of *Gondomar*, to whom he ascribed his great contentment and honor received by his Highness's presence; That he had made the *Conde* (whom he was pleased to term an *English-man*) one of his Council of State, to the end that his Highness might be confident of their Proceedings, and privy to all their Passages.

B The Prince, on the day of Publique Entrance, was attended in the morning by the *Conde Gondomar*, and divers Councillors of State, to *S. Jeron's* Monastery, the place whence the Kings of *Spain* are wont to make their solemn entrance into *Madrid* on the day of their Coronation: There the Prince was feasted, and served by divers great Officers of State waiting bare-headed. After dinner, the King came to conduct his Highness through the Town to the Royal Palace, having prepared all things for the Solemnity in the greatest magnificence and splendor.

Makes his entrance pub-
lique into
Madrid.

C The King setting the Prince on his right hand, they rode in great glory under a Canopy of State supported by the *Regidors* of the Town, who were arrayed in Cloth of Tissue: The Nobility and *Grandeess* of *Spain* attended by their several Liveries, all very rich and costly, went before; And after came the Marquis of *Buckingham*, and the *Conde Olivares*, executing their places of Masters of the Horse; After them followed the Earl of *Bristol* and Sir *Walter Aston*, accompanied with divers D Councillors of State, and Gentlemen of the Kings Chamber.

And being alighted at the Palace-gate, the King led the Prince to the Queens quarters, where having entred her chamber, he was met and received by her with great respect, in manner becoming the state of great Princes; thence Royal seats were placed, the Queen late in the middle, the Prince on her right hand, and the King on the left. His Highness was thence conducted by the King to the Lodgings prepared for him; where after they had conversed a while, the King left him.

E After a little pause, the Queen by her *Major-domo* gave him a further and very noble Welcom with sundry rich Presents, as Perfumes and costly Wearing-Linen. The King sent him two Golden Keys, which would open all his Privy-lodgings and his Bed-chamber, giving him to understand that he had free access unto him at all hours.

The King send the Prince two Golden Keys.

F The Councillors of State presented themselves to let him know, That by the Kings expresse command they were to obey his Highness as exactly as the King himself. He was constantly attended and served with *Grandeess* and *Tituladoes*, and was entertained with many Shews and Triumphs, and several daily Pastimes. And one day running at the Ring in company of divers of the Nobility, his Highness was the onely Person that bore the Ring away, and that in presence of the *Infanta* his Mistress, which was interpreted a good Omen at the beginning of his Atchievement. In fine, there wanted nothing which the wit of man could devise for the height

The *Grandeess* are commanded to attend his Highness.

An. 1623.

height of outward glory: The Governors of the Town presented the Marquis of *Buckingham* with the rich Cloth of State which was borne over the King and Prince in the great Solemnity, as a Fee belonging to the Place which he then executed.

The Marquis
of *Buckingham*
made Duke.

From the Court of *England* many Lords and Gentlemen went after the Prince, that by a splendid Train and Retinue of his own People he might appear as the Prince of *England*. And the Marquis of *Buckingham* was then made a Duke, by a Patent sent from *England*.

The people
talk, that the
Prince is come
to change his
Religion.

This magnificent Entertainment, and the universal Joy in *Spain*, was grounded on the hope of the Prince's turning Catholick: For the voice of the people went, That he was come to be a Christian: And the *Conde Olivares*, when he gave him the first Visit, did congratulate his Arrival with these expressions; "That the Match should be made presently, and "that the Kings of *Spain* and *England* should divide the World between "them; For that he did not question, but he came thither to be of their "Religion. Whereunto the Prince answered, *That he came not thither "for Religion, but for a Wife.*

Endeavors to
make the
Prince change
his Religion.

But there wanted no endeavors to reconcile the Prince, and by him the British Dominions to the Sea of *Rome*. Gregory the Fifteenth, then Pope, * exhorted the Bishop of *Conchen* Inquisitor-General of *Spain*, to improve the opportunity: And he sought to charm the Prince by writing a very smooth Letter to him: Yea, he condescended to write to *Buckingham* his Guide and Familiar, to incline him to the Romish religion. And the Pope also wrote a Letter to the Prince, the tenor whereof followeth.

* *Quare Aposto-
licis literis her-
etico Catholi-
cam Maiesta-
tem, ut cum
Principem re-
digere faceret
ceteris sub Romana Ecclesia ditionem, cui veteres Magna Britannia Domini, coronarum caput, & imperii fasces
(Cælo plaudente) submisserunt.*

Quare te monemus, ut ad Catholicum Regem religiosus Consiliarius accedas, easque rationes despicias quibus insigne aliquod beneficium Britannia Regni & Romana Ecclesia in presenti rerum opportunitate comparatur. Res ipsa magna atque gravissima est; quare cum verbis amplificare non debemus; Regnum Cælorum Britannia Principi patefacere, Regnum Britannia sedi Apostolica restituere incipiet, qui Regii istius Adulescentis animum Catholica Religionis studio inflamaverit, atque hæretica impietatis odio impleverit, &c.

The Pope's
Letter to the
Prince of
Wales.

Most Noble Prince, We wish you the health and light of Gods grace. Forasmuch as Great Britain hath always been fruitful in vertues, and in men of great worth, having filled the one and the other World with the glory of her renown, She doth also very often draw the thoughts of the Holy Apostolical Chair to the consideration of her praises. And indeed, the Church was but then in her infancie, when the King of Kings did choose her for his inheritance, and so affectionately, that 'tis believed the Roman Eagles were hardly there before the Banner of the Cross. Besides that, many of her Kings instructed in the knowledge of the true salvation, have preferred the Cross before the Royal Scepter, and the Discipline of Religion before Covetousness, leaving examples of piety to other Nations, and to the Ages yet to come: So that having merited the Principalities and first places of blessedness in Heaven, they have obtained on Earth the triumphant ornaments of Holiness. And although now the state of the English Church is altered, We see nevertheless the Court of Great Britain adorned and furnished with Moral vertues which might serve to support the charity we bear unto her, and be an ornament to the name of Christianity, if withall she could have for her defence and protection the Orthodox and Catholick truth. Therefore by how much the more the glory of your most Noble Father, and the apprehension of your Royal inclination delights us, with so much more zeal we desire that the gates of the Kingdom of Heaven might be opened unto you, and that you might purchase to your self the love of the Universal Church.

Moreover,

Moreover, it being certain that Gregory the Great of most blessed memory hath introduced to the people of England, and taught to their Kings the law of the Gospel, and the respect of Apostolical authority; We, as inferior to him in holiness and vertue, but equal in name and degree of dignity, think it very reasonable, that we following his blessed footsteps, should endeavor the salvation of those Provinces, especially at this time when your design (most Noble Prince) elevates us to the hope of an extraordinary advantage. Therefore as you have directed your journey to Spain towards the Catholick King, with desire to ally your self to the House of Austria, We do commend your design, and indeed do testifie openly in this present business, that you are he that takes principal care of our Prelacy: For seeing that you desire to take in marriage the Daughter of Spain, from thence we may easily conjecture, that the antient seeds of Christian piety which have so happily flourished in the hearts of the Kings of Great Britain, may (God prospering them) revive again in your soul. And indeed it is not to be believed, that the same man should love such an Alliance, that hates the Catholick Religion, and should take delight to oppress the Holy Chair. To that purpose we have commanded that most humble prayers be made continually to the Father of lights, that he would be pleased to put you as a fair Flower of Christendom, and the onely Hope of Great Britain, in possession of that most noble Heritage which your Ancestors purchased for you, to defend the authority of the Sovereign High-Priest, and to fight against the Monsters of Heresie. Remember the days of old, enquire of your Fathers, and they will tell you the way that leads to Heaven, and what way the Temporal Princes have taken to attain to the everlasting Kingdom. Behold the gates of Heaven opened! The most holy Kings of England, who came from England to Rome accompanied with Angels, did come to honor and do homage to the Lord of Lords, and to the Prince of the Apostles in the Apostolical Chair; their actions and their examples being as so many voices of God, speaking and exhorting you to follow the course of the lives of those, to whose Empire you shall one day attain.

Is it possible that you can suffer that the Hereticks should hold them for impious, and condemn those whom the faith of the Church testifies to reign in the Heavens with Jesus Christ, and have command and authority over all Principalities and Empires of the Earth? Behold how they tender you the hand of this truly happy Inheritance, to conduct you safe and sound to the Court of the Catholick King, and who desire to bring you back again into the lap of the Roman Church; beseeching with unspeakable sighs and groans the God of all mercy for your salvation, and do stretch out to you the arms of the Apostolical charity to embrace you with all Christian affection, even you that are her desired Son, in shewing you the happy hope of the Kingdom of Heaven. And indeed, you cannot give a greater consolation to all the people of the Christian world, then to put the Prince of the Apostles in possession of your most noble Island, whose authority hath been held so long in the Kingdom of Britain for the defence of Kingdoms, and for a Divine Oracle. The which will easily come to pass, and that without difficulty, if you open your heart to the Lord that knocks; upon which depends all the happiness of that Kingdom. It is from this our great charity, that we cherish the praises of the Royal Name, and that which makes us desire that you and your Royal Father may be stiled with the names of Deliverers and Restorers of the antient and paternal Religion of Great Britain.

This is it we hope for, trusting in the goodness of God, in whose hands are the hearts of Kings, and who causeth the people of the earth to receive healing, to whom we will always labour with all our power to render you gracious and favorable.

An. 1623.

favorable. In the interim take notice by these Letters of the care of our charity, which is none other then to procure your happiness: And it will never grieve us to have written them, if the reading of them stir but the least spark of the Catholick faith in the heart of so great a Prince; whom we wish to be filled with long continuance of joy, and flourishing in the glory of all Vertues.

*Given at Rome in the Palace of S. Peter, the 20. of April, 1623.
in the Third year of our Popedom.*

*Gregorius P. P. XV.
Duci Buckinghamiæ.*

Nobilis Vir, Salutem & lumen
Divinæ gratiæ. Autoritas
qua Nobilitatem tuam in Britannia
Regia florere accepimus, non modo
mentorū præmium, sed virtutis
patrocinium habetur. Egregium
plane decus, atque adeo dignum,
cui populi illi addi cupiant diuturni-
tatem. Verum vix dici potest quan-
tus ei cumulus gloriæ in orbe terra-
rum accederet, si (Deo favente) foret
Catholicæ religionis præsidium;
facultatem certe nancisceris, qua te
eorum Principum conciliis inferere
potes, qui nominis immortalitatem
adepti ad cœlestia regna pervene-
runt. Hanc tibi à Deo tributam, &
à Pontifice Romano commendatam
occasionem, ne elabi patiare, Nobilis
vir. Non te præterit, regalium con-
siliiorum conscium, quo in loco Bri-
tannia res hac ætate sit, quibusque
Spiritus sancti loquentis vocibus,
Principum tuorum aures quotidie
personent. Quæ gloria esset nominis
si te hortatore ac suasore, Anglicani
Reges cœlestem illius gloriæ hære-
ditatem recuperarent quam Majores
eorum amplissimam in iis regnis re-
liquerunt, divini cultus incrementa
curando, & Pontificiæ autoritatis
ditione, non solum tuenda, sed etiam
propaganda! Multi fuerunt, atque
erunt in posterum, quos benevo-
lentiæ Regum perituris divitiis lo-
cupletavit, & invidiosis titulis auxit;
atque ut id Nobilitas tua consequatur,
non ideo sempiternis laudibus
nomen tuum memor posteritas co-
lect; ac cum si consilia tua potentissi-
mos

*Pope Gregory to the
D. of Buckingham.*

Right honorable, we wish you health
and the light o Gods grace. The
authority which we understand you have
in the Court o England, is accounted
not only the reward of merit, but the
patronage of vertue. A remarkable ho-
nor indeed, and of such worth, that the
people there ought to pray for its con-
tinuance: But it can scarce be exprest
what an access of glory it would receive
in the world, if by the grace of God it
should become the safeguard of the Ca-
tholick Religion. You have the means
to ingraft your self into the assembly of
those Princes, who having obtained an
immortal name, have purchased the
heavenly inheritance. Suffer not, Hono-
rable sir, this occasion to slip out of your
hands, afforded you by God, and recom-
mended to you by the Pope of Rome.
You are not ignorant, as intimate in the
Kings counsels, in what condition the
affairs of England are in this our Age,
and with what voices of the Holy Ghost
speaking--the ears of your Princes daily
tingle. How greatly would you be re-
nown'd, if by your perswasion and admo-
nition the King of England should ob-
tain the heavenly inheritance of that
glory which their Ancestors left them
most ample in those kingdoms, by taking
care of the increase of Gods worship, and
not only defending, but propagating
the dominions of the Pope's authority!
There have been, and will be many
hereafter, whom the favor of Kings
hath much enriched with wealth that
fadeth away, and honored with envious
titles: And if your Honor attain this,
Posterity will therefore adore your me-
mory

A mory with everlasting praises: But if your advice should reduce Potent Kings and Nations to the Lap of the Church, your name would be written in the Book of the Living, whom the pangs of death assault not, and the Records of Historians would number you among those Sages in whose light and conduct Kings have walked. And with what comfort of the present life, and reward of the future, that God who is rich in mercy would recompence you, they easily foresee who are acquainted with the skill and violence by which the Kingdom of Heaven is conquered:

B That we wish you to be partaker of so great happiness, not onely our Papal Charity moves us (to whose care the salvation of mankind belongeth) but also the Piety of your Mother, who having brought you forth to the World, desires to bring you forth again to the Church of Rome, whom she acknowledges for her Mother. There-

C fore Didacus de la Fuente our beloved Son, a Fryer, who hath prudently managed the most important affairs of your Princes here in Rome, being to go to Spain, we have commanded him to wait upon your Honor, and to deliver you those Apostolical Letters to evidence the greatness of our Papal Charity, and our desire of your salvation. You may be pleased to hearken to him, as the interpreter of our minde, and one adorned with those virtues, which have been able to purchase the love of Foreign Nations to a Catholick and a Regular Priest. Truly he hath spoken

E such things of you in this Country of the World, that he is worthy whom you should cherish with a singular affection, and protect with your Authority, as one studious of the glory and safety of the King and People of Great Britain. We will pray the Father of Mercies, that he would open the doors of the Kingdom of Heaven to your Honor, and afford you frequent evidences of his Clemency.

F

Given at Rome apud sanctam Mariam Majorem sub Annulo Piscatoris, 19 Maii, 1523. Being the First year of our Reign

mos Reges populosque ad Ecclesiæ gremium reducerent; scriberetur nomen tuum in libro viventium quos non tangit tormentum mortis ac te Historiarum Monumenta in eos sapientes referrent in quorum splendore Reges ambulaverunt. Quibus autem te præsentis vitæ solatiis & futuræ præmiis remuneraretur Deus ille, qui dives est in misericordia, omnes facile prævident quibus nota est ars, & vis, qua Regnum Cœlorum expugnatur. Tantæ te sælicitatis compotem fieri ut cupiamus efficit non solum Pontificia Charitas, ad cujus curas totius humani generis salus pertinet, sed etiam genetricis tuæ pietas, quæ cum te mundo peperit Romanæ etiam ecclesiæ quam ipsa matrem suam agnovit iterum parere cupit: Proin cum in Hispanias perfectionem paret dilectus Filius religiosus vir Didacus de la Fuente, qui gravissima principum tuorum negotia in urbe sapienter Administravit, ei mandavimus ut Nobilitatem tuam adeat atque has Apostolicas literas deferat quibus Pontificiæ Charitatis magnitudo & salutis tuæ cupido declaretur. Cum ergo audire poteris sententiæ nostræ interpretem, atque iis virtutibus instructum quæ exterarum Nationum amorem Catholico etiam & Religioso Sacerdoti conciliare potuerunt. Ille quidem ea de te in hac orbis Patria prædicavit, ut dignus sit quem singulari affectu complectaris & Autoritate tua Munias Britannorum Regum populorumque salutis & gloriæ intervientem nos quidem Patrem Misericordiarum Orabimus ut Nobilitati tuæ cœlestis Regni fores patefaciat & frequentia præbeat Clementiæ suæ documenta.

Datum Romæ apud sanctam Mariam Majorem sub Annulo Piscatoris, die 19 Maii. 1523. Pontificatus nostri Tertio.

An. 1623.

The Prince of *Wales* returned this following Answer to the Popes Letter (according to a Copy preserved by some then in *Spain* at the Treaty.)

CAROLUS Princeps
Gregorio P.P. XV.

Sanctissime Pater,

There is another Copy of the Princes Letter to the Pope, published by several hands, somewhat different from this.

BEatitudinis vestrae Litteras non minore gratitudine & observantia accepimus, quam exigat ea qua novimus exaratas insignis benevolentia, & pietatis affectus. Atque illud imprimis gratum fuit, nunquam satis laudata Majorum exempla inspicienda Nobis à vestra Sanctitate atque imitanda fuisse proposita: Qui licet multoties omnium fortunarum & vitae ipsius discrimen adiverint, quo fidem Christianam latius propagarent, haud tamen alacriori animo in infestissimos Christi hostes, Crucis Christi vexilla intulerunt, quam nos omnem opem & operam adhibebimus ut quæ tam diu exaltavit pax & unitas, in Christianam Rempublicam postliminio reducatur. Cum enim Discordiarum Patris malitia inter illos ipsos qui Christianam profitentur Religionem tam infelicia seminarit dissidia, hoc vel maxime necessarium ducimus ad Sacrosanctam Dei & Salvatoris Christi gloriam feliciter promovendam. Et minori nobis honori futurum existimabimus, tritam Majorum Nostrorum vestigiis insistentes viam, in piis ac Religiosis susceptis illorum æmulos atque imitatores extitisse, quam genus nostrum ab illis atque originem duxisse. Atque ad idem nos istud plurimum inflammat perspecta nobis Domini Regis ac Patris nostri voluntas, & quo flagrat desiderium ad tam Sanctum opus porrigendi manum auxiliatricem, tum qui Regium pectus exedit dolor, cum perpendit quam sævæ exoriantur strages, quam deplorandæ

Prince Charles to Pope
Gregory XV.

Most Holy Father,

WE have received your Letter with no less thankfulness and respect, then is due to the singular good will and godly affection wherewith we know it was written. It was most acceptable unto us, that the never enough Renowned Examples of our Ancestors were proposed to us by your Holiness for our inspection and imitation; who though they often hazarded their lives and fortunes to propagate the Christian Faith, yet did they never more chearfully display the Banners of the Cross of Christ against his most bitter enemies, then we will endeavor to the utmost, that the Peace and Union which so long triumphed, may be reduced into the Christian World, after a kinde of Elimination or Exile. For since the malice of the Father of Discords hath sowed such unhappy Divisions amongst those who profess the Christian Religion, We account this most necessary thereby to promote with better success, the glory of God and Christ our Saviour; nor shall we esteem it less honor to tread in their footsteps, and to have been their Rivals and Imitators in holy undertakings, then to have been discended of them. And we are very much encouraged to this, as well by the known inclination of our Lord and Father, and his ardent desire to lend a helping hand to so pious a work, as by the anguish that gnaws his Royal brest, when he considers what cruel destructions, what deplorable calamities arise out of the dissensions of Christian Princes. Your Holiness conjecture of our desire to contract an Alliance and Marriage with a Catholick Family and Princess, is agree-

A

B

C

D

E

F

A agreeable both to your Wisdom and
 Charity; for we would never desire so
 vehemently to be joyned in a strict and
 indissoluble Bond with any Mortal
 whatsoever, whose Religion we hated.
 Therefore your Holiness may be assured,
 That we are, and always will be of that
 Moderation, as to abstain from such
 actions which may testifie our hatred
 against the Roman Catholick Religi-
 on; we will rather embrace all occasions
 whereby through a gentle and fair
 procedure all sinister suspitions may
 be taken away; That as we all con-
 fess one Individual Trinity, and one
 B Christ Crucified; we may unani-
 mously grow up into one Faith. Which
 that we may compass, we little
 value all Labor and Watchings, yea,
 the very hazard of our lives. It re-
 mains, that we render thanks to your
 Holiness for your Letter, which we
 esteem as a singular present, and
 C wish your Holiness all prosperity and
 eternal happiness.

Dated at Madrid,
 20 Junii, 1623.

plorandæ calamitates ex principum
 Christianorum dissensionibus. Ju-
 dicio vero quod Sanctitas vestra
 tulit de nostro cum domo ac Prin-
 cipe Catholico Affinitatem & Nu-
 ptias contrahendi desiderio, & Cha-
 ritati vestræ est consentaneum, nec
 a sapientia invenietur alienum. Nun-
 quam tanto quo ferimur studio,
 nunquam tam arctò & tam indisso-
 lubili vinculo ulli Mortalium con-
 jungi cuperemus, cujus odio Reli-
 gionem prosequeremur. Quare San-
 ctitas vestra illud in animum indu-
 cat, ea modo nos esse semperque fu-
 turos moderatione, ut quam longis-
 sime absuturi simus ab omni opere
 quod odium testari possit ullam ad-
 versus Religionem Catholicam Ro-
 manam: Omnes potius captabimus
 occasiones quo leni benignoque re-
 rum cursu sinistra omnes suspiciones
 e medio penitus tollantur. Ut sicut
 omnes unam individuum Trinita-
 tem, & unum Christum Crucifixum
 confitemur, in unam fidem unani-
 miter coalescamus: Quod ut asse-
 quamur, labores omnes atque vigi-
 lias, Regnorum etiam atque vitæ
 pericula parvi pendimus. Reliquum
 est ut quas possumus maximas, pro
 literis quas insignis muneris loco
 ducimus, gratias agentes, Sanctitati
 vestræ omnia prospera & felicità-
 tem æternam comprecamur.

Datum Matriti,
 20 Junii.
 1623.

Orations, Processions, and pompous shews were made in Spain, to
 allure the Prince to Popery; Popish Books were dedicated, and Popish
 Pictures presented to him. They carried him to the most Religious pla-
 ces, and to persons famous for pretended Miracles. And they shew him
 of what importance his Conversion is, to the gaining of a large entrance
 into the Infanta's affection, and a smooth path to this Catholick Marri-
 age. And in case a Rebellion in England should follow his change of Re-
 ligion, they offer an Army to subdue the Rebels.

Allurements
 to make the
 Prince change
 his Religion.

But the Prince remained stedfast in his Religion; neither did he ex-
 press any shew of change.

The Prince
 stedfast in his
 Religion,

But as to the interior carriage of Affairs, notwithstanding his splen-
 did entertainment to the height of Princely State, yet in the main busi-
 ness

An. 1623.

Is not well
dealt with in
his Address to
the *Infanta*.
The Dispensa-
tion is at last
procured.

ness he was meanly dealt with, and in his Addresses to the *Infanta*, unworthily restrained and undervalued.

The Dispensation sticks long in the Birth, but after a tedious Travel, it was brought forth : Mr. *George Gage* advertised the King from *Rome*, That the Cardinals made mention of him in most honorable Language, and had a firm opinion, that the former Rigor towards Catholics, hath risen from others, but the Graces vouchsafed to them from himself; and they were now confident that such potent intercessions having been made with him, and all civil jealousies removed, he will not onely command a real performance of what is promised, but according to his own Loyal heart, will enlarge the benefit.

Furthermore, he assured the King, That such difficulties as were already spent, and were yet to come, have been laid hold on by the Cardinals; neither to frustrate, nor prolong this Treaty, but out of an opinion, that otherwise they could not secure their Consciences, proceed upon a just and valuable ground, and satisfy the judgments of such discreet persons, as may in times to come, understand the Passages of this great Business.

The Dispensa-
tion comes
clogged.

So the long solicited Dispensation came from Pope *Gregory* the Fifteenth, to the Court of *Spain*. But whereas it was expected full and absolute, it came with a Clog, a Clause thrust in of purpose to retard the proceedings.

That whereas there were certain Articles condiscended unto by the King of *England*, in favor of the *Roman* Catholics in his Dominions, Caution should be given for the performance of those Concessions. The King answered, That he could give no other Caution, then his own and the Princes Oath, exemplified under the Great Seal of *England*. But this would not satisfy, unless some Sovereign Catholick Prince would stand engaged for them. Here upon the frame of things was like to fall a sunder, and a rumor went, that the Prince intended to get away covertly.

Olivares pro-
poses ways of
Accommoda-
tion.

Amidst the heats of this dispute, *Olivares* (whither in a humor or good earnest) propounded three ways of accommodation : The first was, That Prince *Charles* should become Catholick. The second, That the *Infanta* should be delivered to him upon the former security, without further condition. The third was, to binde him as fast as they could, and not trust him with any thing. And of these three ways, he said, The two former were good, but the last was a bad one.

The King of
Spain proffers
to engage
himself on
the behalf of
the King of
England and
the Prince.

At length the King of *Spain* proffered to engage himself by Oath on the behalf of the King and Prince for the performance of the Articles. Provided, That he first consult with his Ghostly Fathers, whither he might do it with a safe Conscience. This was a fair contrivance, whereby that King might not onely oblige our King and Prince, but lay the ground-plot of a fair pretence of War against *England*, if the *Roman* Catholics received not satisfaction in the enjoyment of the Freedom promised. Besides he would form a party in these Dominions to a Dependance upon his Protection.

His Ghostly
Fathers ap-
prove his in-
tentions.

A *Juncto* of Divines were called to determine upon the Case, and they go very gravely and tediously to work, and protract the time almost beyond the bounds of the Princes patience; but they conclude at last Affirmatively. And in case the King of *England* fail to execute what was stipulated, the King of *Spain* was to vindicate his Oath, and right himself by the Sword.

Then

Then was the Match declared publickly, and the Prince had frequent access to the *Infanta*, yet always in a publick manner, and in the Kings presence.

21 Jacobi.

The Match is declared publickly.

Whilest these things were forging in *Spain*, there were not wanting such as warned the King, and tendred safer Counsels. The Archbishop of *Canterbury* was bold to press him close in this serious Letter.

May it please Your Majesty,

The Archbishops Letter to the King against Toleration of Popery.

I Have been too long silent, and am afraid by my silence I have neglected the duty of the place it hath pleased God to call me unto, and your Majesty to place me in: But now I humbly crave leave, I may discharge my Conscience towards God, and my duty to your Majesty; and therefore I beseech you freely to give me leave to deliver my self, and then let your Majesty do with me what you please. Your Majesty hath propounded a Toleration of Religion, I beseech you take into your consideration what your Act is, what the consequence may be. By your Act you labor to set up the most Damnable and Heretical Doctrine of the Church of Rome, the Whore of Babylon: How hateful it will be to God, and grievous to your good Subjects, the Professors of the Gospel, That your Majesty who hath often disputed, and learnedly written against those Heresies, should now shew your self a Patron of those wicked Doctrines which your Pen hath told the World, and your Conscience tells your self, are Superstitious, Idolatrous, and detestable. And hereunto I adde what you have done in sending the Prince into Spain without consent of your Council, the Privy and Approbation of your People: And although you have a Charge and Interest in the Prince, as Son of your Flesh; yet have the people a greater, as Son of the Kingdom, upon whom next after your Majesty are their Eyes fixed and welfare depends; and so tenderly is his going apprehended, as (believe it) however his return may be safe; yet the drawers of him into this Action, so dangerous to himself, so desperate to the Kingdom, will not pass away unquestioned, unpunished. Besides, this Toleration which you endeavor to set up by your Proclamation, cannot be done without a Parliament, unless your Majesty will let your Subjects see that you will take unto your self ability to throw down the Laws of your Land at your pleasure. What dread consequence these things may draw afterward, I beseech your Majesty to consider, and above all, lest by this Toleration and discountenancing of the true Profession of the Gospel, wherewith God hath blessed us, and this Kingdom hath so long flourished under it, your Majesty do not draw upon this Kingdom in general, and your self in particular, Gods heavy wrath and indignation.

Thus in discharge of my duty towards God, to your Majesty, and the place of my Calling, I have taken humble leave to deliver my Conscience. Now Sir, do what you please with me.

The King would not admit any Motion of drawing back, but in going forward, he would yield to all demands, and was accordingly scrued up to the greatest height.

So at last the Difficulties in *Rome* and *Spain* were all surmounted; and then these following Articles [Stiled by the Cardinals, Propositions for the right Augmentation and Weal of the Roman Catholick Religion] were sworn unto by the King, Prince and Privy Council.

"I. That

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Articles sworn
to by the
King, Prince,
and Privy
Council.

I. "That the Marriage be made by Dispensation of the Pope, but that to be procured by the endeavor of the King of *Spain*.

II. "That the Marriage be once onely celebrated in *Spain*, and ratified in *England*, in form following. In the Morning after the most Gracious *Infanta* hath ended her Devotions in the Chappel, she and the most Excellent Prince *Charls*, shall meet in the Kings Chappel, or in some other Room of the Palace, where it shall seem most expedient; and there shall be read all the Procurations, by vertue whereof the Marriage was celebrated in *Spain*; and as well the most Excellent Prince, as the most Excellent *Infanta*, shall ratifie the said Marriage celebrated in *Spain*, with all solemnity necessary for such an Act; so as no Ceremony or other thing intervene, which shall be contrary to the *Roman* Catholick Apostolick Religion.

III. "That the most Gracious *Infanta*, shall take with her such Servants and Family as are convenient for her service; which Family, and all persons to her belonging, shall be chosen and nominated by the Catholick King: So as he nominate no Servant which is Vassal to the King of Great *Britain*, without his will and consent.

IV. "That as well the most Gracious *Infanta*, as all her Servants and Family, shall have free use and publick Exercise of the *Roman* Catholick Religion, in manner and form as is beneath capitulated.

V. "That she shall have an Oratory and Decent Chappel in her Palace; where, at the pleasure of the most Gracious *Infanta*, Masses may be celebrated; and in like manner she shall have in *London*, or wheresoever she shall make her abode, a Publick and Capacious Church near her Palace, wherein all Duties may be solemnly celebrated, and all other things necessary for the Publick Preaching of Gods Word, the Celebration and Administration of all the Sacraments of the Catholick *Roman* Church, and for burial of the Dead, and Baptizing of Children. That the said Oratory, Chappel, and Church, shall be adorned with such decency as shall seem convenient to the most Gracious *Infanta*.

VI. "That the Men-servants and Maid-servants of the most Gracious *Infanta*, and their Servants, Children, and Descendents, and all their Families of what sort soever serving her Highness, may be freely and publickly Catholicks.

VII. "That the most Gracious *Infanta*, her Servants and Family, may live as Catholicks in form following. That the most Gracious *Infanta* shall have in her Palace, her Oratory and Chappel so spacious, that her said Servants and Family may enter and stay therein; in which there shall be an ordinary and publick door for them, and another inward door, by which the *Infanta* may have a passage into the said Chappel, where she and other as abovesaid may be present at Divine Offices.

VIII. "That the Chappel, Church, and Oratory, may be beautified with decent Ornaments of Altars, and other things necessary for Divine Service, which is to be celebrated in them according to the custom of the Holy *Roman* Church; and that it shall be lawful for the said Servants and others, to go to the said Chappel and Church at all hours, as to them shall seem expedient.

X. "That the care and custody of the said Chappel and Church shall be committed to such as the Lady *Infanta* shall appoint, to whom it shall be lawful to appoint Keepers, that no body may enter into them to do any undecent thing.

XI. "That

X I. " That to the Administration of the Sacraments, and to serve
" in Chappel and Church aforesaid, there shall be Four and twenty
" Priests and Assistants, who shall serve weekly or monethly, as to the
" *Infanta* shall seem fit, and the Election of them shall belong to the
" Lady *Infanta*, and the Catholick King. Provided, That they be none
" of the Vassals of the King of Great Britain, and if they be, his will
" and consent is to be first obtained.

A X II. " That there be one Superior Minister or Bishop, with neces-
" sary Authority upon all occasions which shall happen belonging to Re-
" ligion; and for want of a Bishop, that his Vicar may have his Authority
" and Jurisdiction.

B X III. " That this Bishop or Superior Minister, may Correct and
" Chastise all *Roman* Catholicks who shall offend, and shall exercise upon
" them all Jurisdiction Ecclesiastical: And moreover also the Lady *In-*
" *fanta* shall have power to put them out of her service, whensoever it shall
" seem expedient to her.

X IV. " That it may be lawful for the Lady *Infanta* and her Ser-
" vants, to procure from *Rome*, Dispensations, Indulgences, Jubilees,
" and all Graces, as shall seem fit to their Religion, and Consciences,
" and to get and make use of any manner of Catholick Books what-
" soever.

C X V. " That the Servants and Family of the Lady *Infanta*, who
" shall come into *England*, shall take the Oath of Allegiance to the King
" of Great Britain: Provided, That there be no clause therein which
" shall be contrary to their Consciences, and the *Roman* Catholick Re-
" ligion; and if they happen to be Vassals to the King of Great Britain,
" they shall take the same Oath that the *Spaniards* do.

D X V I. " That the Laws which are or shall be in *England* against Re-
" ligion shall not take hold of the said Servants; and onely the foresaid
" Superior Ecclesiastical Catholick may proceed against Ecclesiastical
" persons, as hath been accustomed by Catholicks: And if any Secular
" Judge shall apprehend any Ecclesiastical person for any offence, he shall
" forthwith cause him to be delivered to the aforesaid Superior Eccle-
" siastick, who shall proceed against him according to the Canon
" Law.

E X V II. " That the Laws made against Catholicks in *England*, or
" in any other Kingdom of the King of Great Britain, shall not extend to
" the Children of this Marriage; and though they be Catholicks, they
" shall not lose the right of Succession to the Kingdom and Dominions
" of Great Britain.

X V III. " That the Nurser which shall give suck to the Children
" of the Lady *Infanta*, (whither they be of the Kingdom of Great Bri-
" tain, or of any other Nation whatsoever) shall be chosen by the Lady
" *Infanta*, as she pleaseth, and shall be accounted of her Family, and en-
" joy the priviledges thereof.

F X I X. " That the Bishop, Ecclesiastical and Religious persons of
" the Family of the Lady *Infanta*, shall wear the Vestment and Habit of
" their Dignity, Profession, and Religion, after the Custom of *Rome*.

X X. " For security that the said Matrimony be not dissolved for
" any cause whatsoever: The King and Prince are equally to pass the
" Word and Honor of a King; and moreover, that they will perform
" whatsoever shall be propounded by the Catholick King for further con-
" firmation, if it may be done decently and fitly.

X X I. " That

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XXI. "That the Sons and Daughters which shall be born of this Marriage, shall be brought up in the company of the most Excellent *Infanta*, at the least, until the age of Ten years, and shall freely enjoy the right of Successions to the Kingdoms as aforesaid.

XXII. "That whensoever any place of either Man-servant, or Maid-servant, which the Lady *Infanta* shall bring with her (nominated by the Catholick King her Brother) shall happen to be void, whether by death or by other cause or accident, all the said Servants of her Family are to be supplied by the Catholick King as aforesaid.

XXIII. "For security that whatsoever is capitulated, may be fulfilled, The King of Great Britain, and Prince *Charls* are to be bound by Oath; and all the Kings Council shall confirm the said Treaty under their hands: Moreover the said King and Prince are to give their Faiths in the Word of a King, to endeavor, if possible, That whatsoever is capitulated, may be established by Parliament.

XXIV. "That conformable to this Treaty, all these things proposed, are to be allowed and approved of by the Pope. that he may give an Apostolical Benediction, and a Dispensation necessary to effect the Marriage.

The Oath taken by the King and Prince, was as followeth.

The Oath.

WE Ratifying and confirming the aforesaid Treaty, and all and every Capitulation contained, and specified in the same, do approve, applaud, confirm, and ratifie of our certain knowledge, all and every of these things in as much as they concern our Selves, our Heirs, or our Successors: And we promise by these presents in the word of a King, to keep, fulfil, and observe the same; and to cause them to be kept, fulfilled and observed inviolably, firmly, well and faithfully, effectually, Bona fide, without all exception, and contradiction. And we confirm the same with an Oath, upon the Holy Evangelists, in the presence of the Illustrious and Noble John de Mendoza, Charls de Colona, Ambassadors of the most Gracious Catholick King, residing in our Court.

In Testimony and Witness of all and every the premises, we have caused our Great Seal to be put to those Articles subscribed by our Hands there, in the presence of the most Reverend Father in Christ, George Archbishop of Canterbury, Primate of all England, and the Reverend Father in Christ, John Bishop of Lincoln, Lord Keeper of the Great Seal of England, Lionel Cranfield, Chief Treasurer of England, Henry Viscount Mandevil, President of our Council, Edward Earl of Worcester, Keeper of the Privy Seal, Lewis Duke of Richmond, and Lenox Lord Steward of our Household, James Marquess Hamilton, James Earl of Carlisle, Thomas Earl of Kelly, Oliver Viscount Grandeson, &c. and George Calvert, Knight, one of our Chief Secretaries of State, and all of our Privy Council.

Given at our Palace of Westminster, &c.

JACOBUS Rex.

After this the King did swear to certain private Articles, in favor of Papists, and for the advancement of the Roman Religion.

JAMES,

JAMES by the grace of God of Great Britain King, Defender of the Faith, &c. To all to whom this present writing shall come, greeting. Inasmuch as among many other things which are contained within the Treaty of Marriage between our most dear Son Charles Prince of Wales, and the most renowned Lady Donna Maria Sister of the most renowned Prince and our welbeloved Brother Philip the Fourth King of Spain, It is agreed, That we by our Oath shall approve the Articles under-expressed to a word:

A 1. That particular Laws made against Roman Catholicks, under which other Vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as likewise general Laws under which all are equally comprised, if so be they are such which are repugnant to the Romish religion, shall not at any time hereafter by any means or chance whatsoever directly or indirectly be commanded to be put in execution against the said Roman Catholicks; and we wil cause that our Council shall take the same Oath as far as it pertains to them, and belongs to the execution which by the hands of them & their Ministers is to be exercised.

Private Articles sworn to by the King in favor of Roman Catholicks.

B 2. That no other Laws shall hereafter be made anew against the said Roman Catholicks, but that there shall be a perpetual Toleration of the Roman Catholick Religion within private houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdoms of Scotland and Ireland as in England; which shall be granted to them in manner and form as is capitulated, decreed & granted in the Article of the Treaty concerning the Marriage.

C 3. That neither by us, nor by any other interposed person whatsoever, directly or indirectly, privately or publicly, will we treat (or attempt) any thing with the most renowned Lady Infanta Donna Maria, which shall be repugnant to the Romish Catholick religion; Neither will we by any means persuade her that she should ever renounce or relinquish the same in substance or form, or that she should do any thing repugnant or contrary to those things which are contained in the Treaty of Matrimony.

D 4. That We and the Prince of Wales will interpose our authority, and will do as much as in us shall lie, that the Parliament shall approve, confirm and ratifie all and singular Articles in favor of the Roman Catholicks, capitulated between the most renowned Kings by reason of this Marriage; And that the said Parliament shall revoke and abrogate particular Laws made against the said Roman Catholicks, to whose observance also the rest of our Subjects and Vassals are not obliged; as likewise the general Laws under which all are equally comprehended, to wit as to the Roman Catholicks, if they be such as is aforesaid, which are repugnant to the Roman Catholick Religion; And that hereafter we will not consent that the said Parliament should ever at any time enact or write any other new Laws against Roman Catholicks.

E **M**oreover I Charles Prince of Wales engage my self (and promise that the most Illustrious King of Great Britain, my most honored Lord and Father, shall do the same both by word and writing) That all those things which are contained in the foregoing Articles, and concern as well the suspension as the abrogation of all Laws made against the Roman Catholicks, shall within three years infallibly take effect, and sooner if it be possible, which we will have to lie upon our Conscience and Royal honor. That I will intercede with the most illustrious King of G. Britain my father, that the ten years of the education of the children which shall be born of this marriage, with the most illustrious Lady Infanta their mother, accorded in the 23 Art. (which term the Pope of Rome desires to have prorogued to twelve years) may be lengthened to the said

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term: And I promise freely and of my own accord, and swear, That if it so happen that the entire power of disposing of this matter be devolved to me, I will also grant and approve the said term.

Furthermoze I Prince of Wales oblige my self upon my faith to the Catholick King, That as often as the most illustrious Lady Infanta shall require that I should give ear to Divines or others whom her Highness shall be pleased to employ in matter of the Roman Catholick religion, I will hearken to them willingly without all difficulty, and laying aside all excuse. And for further caution in point of the free exercise of the Catholick religion, and the suspension of the Law above named, I Charles Prince of Wales promise and take upon me in the word of a King, that the things above promised and treated concerning these matters, shall take effect and be put in execution as well in the Kingdoms of Scotland and Ireland, as of England.

The Privy-Councillors Oath was this:

I A.B. do swear, That I will truly and fully observe, as much as belongeth to me, all and every of the Articles which are contained in the Treaty of Marriage between the most gracious Charles Prince of Wales, and the most gracious Lady Donna Maria Infanta of Spain. Likewise I swear, that I will neither commit to execution, nor cause to be executed either by my self, or by any inferior Officer serving me, any Laws made against any Roman Catholick whatsoever, nor will execute any punishment inflicted by any of these Laws, but in all things which belong to me will faithfully observe his Majesties word given in that behalf.

But in the taking of the solemn Publick Oath, it is said there arose a difficulty between the King and the Spanish Ambassadors concerning the Popes title, *Most holy*; which the King refused to pronounce openly in the Chappel at *Whitehall*, alleadging that it was repugnant to his Religion, and might be an impeachment to his honor: But the Ambassadors would proceed no further, till the King had yielded to give him that Title.

There was another rub, which the King soon removed. The Ambassadors had heard, that in the Kings Chappel when they should come to see the swearing of the Articles, they should be present at such Prayers and Singing as were used in the Protestant Church; whereunto they declared that they could not yield, since the end of their coming thither was to maintain and warrant the Catholick, Apostolical, and Roman Church. Whereupon the King commanded, that nothing should then be sung, but what was chanted when the Constable of *Castile* did swear the Peace between the two Crowns, which was a Hymn of Joy in praise of Peace.

At that time *England* had swarms of Priests and Jesuites, who were busie in drawing the people from the Protestant religion: And a titular Bishop of *Calcedon* privately came to *London*, to exercise Episcopall jurisdiction over the Catholicks of this Kingdom.

'Tis said that King *James* had now so much confidence of the Match, as to say openly in the Court, That now all the Devils in hell could not break it. In *Spain* the *Infanta* was stiled the *Princess of England*, and was kept no longer in her Virgin-retirements. In *England* a Chappel was building for her at *S. James*, and *Don Carlos de Colona* laid the first stone: Her Picture was every-where to be seen, and a Fleet was prepared for her passage: And the greatest Enemies to this Alliance submitted to the Kings will. But in all this Capitulation between the two Crowns, hitherto the

Resti-

A difficulty concerning the Popes title on the kings part.

Another on the Ambassadors part concerning prayers in the Kings Chappel.

A titular Bishop of Calcedon came into England.

Preparations for the Infanta into England.

Restitution of the Palatinate was laid aside; the King conceiving that the Consummation of the Match would overrule and settle that affair to his entire satisfaction.

In the height of the Spanish Treaty, there was a notable Letter writ from Mr. Alured to the Duke, perswading him not only to endeavor the breaking off the Match with Spain, but also the preventing of any Match with a Princess of a different Religion.

Facobi 21.

No mention made in the Capitulation of settling the Palatine.

Mr. Alured his Letter to the Duke.

A

THe Parable in the Gospel (said he) tells of a great King that married his Son, and bade many thereunto; yea, upon the excusal of some, and refusal of others, all of whatsoever condition, as well out of the high-ways (as the high-places) were called and invited. As every true Christian hath an interest in the Marriage of that Kings Son of Heaven, so every good Subject, as well as every great Subject, hath an interest in the Marriage and welfare of the Kings Son here on Earth. Which occasions so many (and me the meanest of those many) to wish that it may bring with it glory to Him on high, good will and peace to those on earth. Which is much doubted cannot be from Spain, since the motioning of that Match makes a general fear, that it can neither be safe for the Kings person, nor good for his Church and Commonwealth, because that thereby there may be an inlet to the Romish Locusts, who like the Cankerworm may in an instant smite our Gourd, under whose shadow we sit safe.

B

C

D

E

F

To address this poor discourse to your Lordships more particular: Kings have almost ever used to have their Favorites: Alexander had long since his Ephestion, and Henry the Third of France of late his Espernon, and Philip of Spain had since his Lermas. Yea, the best Princes have not wanted them: For after the reckoning of David's great Officers, Hushai the Archyte is called the Kings Friend, and Ira the Favorite is set down to have been Chief about David. Which stands to Reason, and agrees with Nature: For every private man is left to affect as he likes; neither can Affection be forced. Now to disallow or confine that in a King, which is left at liberty in the meanest Subject, were preposterous and injurious: For though they command Nations as they are Kings, yet they are subject to their Passions as they are men. And if I may alludge it without misinterpretation of others, as I am free from ill meaning my self, Who knows but Christ, the rather to shew himself a Natural man, expressed so much the more his Passion in his often weeping, and his Affection to divers particulars, but especially to S. John, if I may not say his Favorite, certainly the Disciple whom Jesus loved more than any of the rest. It is Gods blessing, and your happiness, if you account it so, to be the Kings Favorite. As Peter therefore not presuming to ask Christ who it was he spake of, beckoned to the Disciple whom Jesus loved, on whose breast he leaned, to ask for him; so since most men neither may, or ought to be so bold to ask or advise the King in this business so much spoken of, yet they point at you, who the higher you are in the Kings favor, the more you are in the Peoples eye and observation, and they expect you will not be wanting in the duty of a Subject, a Counsellor, and a Favorite. We do not read of any servant almost better respected of his Lord and Master, then Eliezar of Damascus, whom Abraham had meant, had he died childless, to have made his heir; and we read not of any service he did Abraham more, at least greater, then in choice of a Wife for his son Isaac. Among the Servants of our Patriarch, the Defender of our Faith, we observe none better respected then your self; For the King hath manifested, he loves not your person only, but takes care for your soul, and labors to make you as good as great, and as happy in another world, as high in this: Yet we know not wherein you can do him better service, then with Eliezar to help to choose a Rebecca for our hopeful Prince.

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We have not heard (said he) of any Protestant King that ever married with a contrary Religion, save the last Henry of Navar with the last Margaret of France: which Marriage so unfortunate to the parties (having never Issue) and being afterwards divorced, was also so fatal to our Religion, that there was more Blood spilt at those Nuptials, then Wine spent: For while the Protestants dreamed of the glory and security they should have by the Match, they were most miserably massacred. And who doubts but what the French Papists committed in their own Country upon that colour and occasion, the Spanish Papists would be glad to see done in this Kingdom upon the like? For without breach of charity we may doubt of their sincere meaning, though there be a Treaty of a Match: since in Eighty Eight, even while there was a Treaty of Peace, their Armado came upon us.

Again, we shall find it was forbidden in the best people in the world, to marry with a differing Religion. The injunction, the reason, and the effect are laid down in Deuteronomy to the Jews.

And if we descend to our own Books and Chronicles, we shall find that God hath crossed (if not cursed) our alliance and association particularly with the Spanish Nation; the position of that Country, and the disposition of that People being as it were so malignant and ill-agreeing with us. The Prince of the greatest performance that ever this Kingdom or Christendom had, was the Black Prince: Yet our Chronicle records, that going into Spain to settle Don Pedro in that Kingdom, besides the monstrous ingratitude and peafidiousness of the Spaniard, who failed in the performance of those Conditions he had promised, which caused the miserable Revolt in France to the loss of our inheritance, the Prince was so poisoned in that Country, that he never had his health after.

Moreover he beseeched his Lordship to observe, that all the Marriages which the Heirs and Princes of this Crown have made in England for these last six-score years, except the several second Matches of Henry the Eight, have been onely and no-where else but with Spain; which how little God hath blest, the success shews. Prince Arthur married the Spanish Kings daughter: We know God took him away suddenly within a very small time, and without any issue. In a Politick respect, we would yet make a second Match; so Prince Henry (afterwards King) married the same daughter: But doubtless God was less pleased with that Match, which was less lawful; and therefore God took away all the male-children of it, and left only a daughter, in whose short Reign was shed more blood for the true Religion in six years, then for the false in these succeeding sixty years. We made then a third Adventure and Marriage with Spain, Queen Mary with King Philip: which was so discontenting to the People, that it caused Wyats Rebellion; so discomfortable to the Queen, that it brake her heart, being left and neglected of her Husband; and so dishonorable and prejudicial to the Kingdom, that merely for the Spaniards sake, we having no difference at all with France, we lost Calis in six days, which had been above two hundred years in our possession.

He added lastly, Though I have not so much judgment, nor so little wit as to presume to advise where to march; yet I assume so much, as to think, a Match at home cannot be held any ways inconvenient. We find the first and the last of our Kings that ever married with their Subjects, were Ed. 4. and Hen. 8. From which two Matches, God (as it were to shew, the less we rely upon others abroad, the more he will help us himself at home) gave two daughters, two Elizabeths, two such Queens, then which there were never two more blessed Instruments of Gods glory and this Kingdoms good, by establishing Peace in the Land, and Religion in the Church, until his Majesties happy coming who brought both with him.

The

21 Jacobi.

The French
zealous of this
conjunction.

The *French* were very jealous of the Conjunction between *Spain* and *England*, and thought it the safest way to make peace at home, and employ their strength to bound the Incroachments of *Spain* and the House of *Austria*: By which means a bitter Persecution ceased in that Kingdom; The Protestants of *France* were permitted to call home their banished Ministers, to build their ruined Temples, and to enjoy their liberty in Religion. This benefit did the Kings closing with *Spain* procure to a people almost ruined.

But after all the Kings concessions, the *Spaniards* contrived new delays, and proposed harder terms. The Pope had obliged the Catholick King to see the Conditions performed, and to protract the Marriage, till matters in *England* were in perfect execution. Whereupon the Divines advise that King, that the Promises of Marriage be made presently, but the Consummation thereof and the delivering of the *Infanta* be deferred till *May* the year following. And the death of Pope *Gregory* did strengthen this contrivance: For the Spanish Ministers pretended, that in regard there was no Contract, but a Treaty only on foot, the Dispensation which lay in the Nuncio's hands was by the Popes death suspended, and a Ratification from the new Pope was requisite before any further progress could be made.

Cardinal *Barberine* was chosen Successor to *Gregory* the Fifteenth, and took the name of *Urban* the Eighth. Soon after his election, he wrote these ensuing Letters, the one to King *James*, the other to Prince *Charls*.

Serenissimo *JACOBO*

*Magna Britanniae Regi Illustri,
URBANUS P.P. VIII.*

Serenissime Rex, salutem & lumen Divinae gratiae. Scotiae regnum quod inclytos terris Reges, sanctissimosque caelo cives peperit, cum ad Cardinalatus nostri patrocinium pertinuerit, laetitiae simul ac moeroris uberem nobis materiam afferebat. Exultabamus gaudio, cogitantes in ea Regione, quam Romanorum arma expugnare omnino non potuerunt, Romanae Ecclesiae fidem feliciter triumphasse, Scotumque Regem nullum hactenus extitisse, qui Pontificiae auctoritatis hostis obierit. At enim vertebatur in luctum cythara nostra, cum ad praesentium temporum miseras, oculos lachrymis manantes converteremus: Videmini enim, laborante discordiarum patre, obliti esse eum qui nutrit vos, & contristati nutricem vestram Hierusalem. Quare Apostolica sedes, quae populos istos jam pridem Christo genuit, moerore conficitur, dum tam praecellam hereditatem

To the most Illustrious

Prince *JAMES* King of
Great Britain.

Most serene King, We wish you health, and the light of Gods grace. When the Kingdom of Scotland which hath brought forth famous Kings to earth, and most holy Citizens to heaven, was under our protection whilst we were yet Cardinal, it afforded us plentiful matter of joy and sorrow. We were exceeding joyful when we considered, that the faith of the Roman Church hath happily triumphed in that Country which the Roman Armies could never conquer; and that there was never yet King of Scotland, who died an Enemy to the Popes authority. But our harp was turned into mourning, when we cast our eyes flowing with tears upon the miseries of the present times; For you seem (while the Father of discords is active) to have forgotten him who nourished you, and to have made sad your nurse Jerusalem. Wherefore the Apostles seat which brought forth that people to Christ, is pierced with sorrow, while it beholds so famous an inheri-

Pope Urban
to K. James.

tance

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reditatem verti videt ad extraneos, damniq̃ue fui magnitudinem Britannorum Regum laudibus istarumque Provinciarum gloria metitur. Id vero præter cætera dolendum orbi Christiano videtur, Jacobum regem Catholicorum regum prolem, & sanctissimæ Parentis filium, à Pontifice Maximo atque à Majoribus suis in Religionis cultu dissentire. Si enim sublimæ istud ingenium, quod literarum studiis & prudentiæ arribus Rex celeberrimus excoluisti, affulgenti Petri luminum assentiretur, facilè conjicit Christiana Respublica quanto publicæ concordiæ bono factum esset, ut Nationes istas Insulasque, aut montium claustris, aut Oceani gurgitibus diffitas, Scoticus rex imperio conjungeres. Videtur enim Majestas tua ob eam rem facta esse tot Provinciarum domina, ut ab eo, cui parent, facilius celeriusque Regna ista medelam ac salutem acciperent. Quare assiduis precibus jam tum eum venerabamur, qui dat salutem Regibus, ut tot Divinæ clementiæ beneficia, quibus in conspectu Potentium admirabilis es, ad Britannia incolumitatem & Ecclesiæ gaudium conferret. Affulcit autem nobis non ita pridem beata spes oriens ex alto, cum te Austriacæ affinitatis cupidum cognovimus, ex Catholica matre progigni exoptantem eos, qui tuam hæreditatem adire, populosque istos ditione tenere debent. Proin vix dici potest, quod nobis solatium obtulit sanctissimæ recordationis Pontifex Gregorius XV. Prædecessor noster, dum nos in eorum Cardinalium cœtum ascivit quos Anglicani matrimonii causam cognoscere voluit. Enituit in nobis tantum negotium differentibus singularis quædam propensio in Majestatem tuam, cujus cum faveremus laudibus, felicitati etiam consultum cupiebamus. Nunc autem cum per Apostolici senatus suffragia ad hanc stationem pervenimus, ubi pro omnibus terrarum regibus excubandum est, non satis explicare possumus

quanta

ritance to be given away to strangers, and measure the greatness of its loss by the praises of the British Kings, and the glory of those Dominions. But this above all ought most to be lamented by the Christian world, that King James, the offspring of Catholick Kings, and the Son of a most holy Mother, should dissent from the Pope of Rome, and from his own Ancestors in point of Religious worship. For it those eminent parts which you a most famous Prince have polished with Learning and Arts of Prudence, would assent to the Father of lights illuminating the Christian world, We easily apprehend how much it would conduce to the Publick peace, that being King of Scotland, you should join in one Kingdom those Nations and Islands divided either by the bars of the Mountains, or by the depths of the Ocean. For your Majesty seems for that very reason to be made Lord of so many Provinces, that they might more easily and quickly receive healing and salvation from him whom they obey. Wherefore we even then besought God by continual prayers, who gives salvation to Kings, that so many blessings by his grace conferred upon you, by which you are admirable in the sight of Potentates, might bring safety to Britain, and joy to the Church. A blessed hope from above not long ago shined upon us, when we understood that you were desirous of a Catholick alliance, and that the Issue which should succeed in the inheritance and government of those Nations might be begotten of a Catholick mother. We can scarcely express how much joy Gregory the Fifteenth of blessed memory, our Predecessor, brought us, when he made us one of the Congregation of those Cardinals whom he would have to take cognisance of the English Match: While we discoursed of a matter of so great importance, we expressed a singular propension of mind towards your Majesty, and were both tender of your praises, and desirous to provide for your happiness. And now being by the consent of the Apostolical Senate advanced to this station, where

we

A quanta nobis cura & desiderium sit
 Magnæ Britanniae, ac tanti Regis
 dignitas. Divinitus vero accidisse
 videtur, ut primæ literæ quæ nobis
 in B. Petri sede regnantibus redde-
 rentur, eæ fuerint quas Prædecessori
 nostro Nobilissimus Carolus Wal-
 liae Princeps scripserat, testes suæ
 in Romanos Pontifices voluntatis.
 Nunc autem cum venerabile illud
 Conjugium, benedicente Domino,
 perfici cupiamus, alloqui te decre-
 vimus, nullis Majestatis tuæ literis
 expectatis. Charitas enim Ponti-
 ficii Imperii decus est, & quamvis in
 B sede hac potentissimorum regum ob-
 sequiis culti commoremur, magnifi-
 cum tamen nobis existimamus, sua-
 dente charitate, ad humiles etiam
 preces descendere, dum animas Chri-
 sto lucremur: Primum ergo credere
 omnino te volumus nullum esse in
 orbe Christiano Principem, à quo
 C plura expectare possis paternæ bene-
 volentiæ documenta, quàm à Pon-
 tifice Maximo, qui te desideratissi-
 mum filium Apostolicæ charitatis
 brachiis complecti cupio. Scimus
 quibus te literis nuper ad tantum
 decus adipiscendum excitavit Gre-
 gorius XV. Cum in ejus locum ve-
 D nerimus, ejus in te propensionem
 non imitabimur solum, sed etiam su-
 perabimus. Speramus enim Nuntios
 à Britannia propediem allatum
 iri, qui Majestatem tuam rei Catho-
 licæ favere testentur, Catholicosque
 isthic commorantes, quos Pater mi-
 E sericordiarum asseruit in libertatem
 filiorum Dei, poenarum formidine
 liberatos, Regali tandem patrocinio
 perfrui. Remunerabitur ille qui di-
 ves est in misericordia, ejusmodi
 consilium, illustri aliqua felicitate:
 Tum nomini Majestatis tuæ plau-
 dent regna terrarum, & militabunt
 acies coelestis exercitus: Frendant
 F licet dentibus suis peccatores, mine-
 tur seditione potens impietas, spe-
 rat Europa se visuram Jacobum
 Regem in Romana ecclesia trium-
 phantem, & Majorum suorum e-
 xempla novis pietatis operibus au-
 gentem.

we are to watch and ward for all earth-
 ly Monarchs, we cannot sufficiently de-
 clare what a care and desire we have of
 Great Britain, and the honor of so
 great a King. It seems to have been a
 special providence of God, that the first
 Letters which we received relating to
 the seat of S. Peter, were those which
 the most noble Charles Prince of Wales
 wrote to our Predecessor, as a testimony
 of his affection to the Popes of Rome.
 And since we now desire that this ve-
 nerable Marriage should by the blessing
 of God be perfected, we resolved to
 write unto you, without expecting Let-
 ters first from you; for Charity is the
 honor of the Papal Empire; and al-
 though most powerful Kings do homage
 to us in this seat, yet we account it glo-
 rious (charity so perswading) to descend
 to humble prayers, so that we may gain
 souls to Christ. First therefore we de-
 sire you to perswade your self, that there
 is no Prince in the Christian world,
 from whom you can expect more evi-
 dence of fatherly affection then from
 the Pope, who desires to embrace you a
 most desired Son with the arms of Apo-
 stolical charity. We know with what a
 Letter Gregory the Fifteenth excited
 you to obtain so great a glory; And since
 we have succeeded him, we will not only
 imitate his inclinations towards you,
 but will exceed them. We hope we
 shall shortly have news out of England,
 that your Majesty is favorable to the
 Catholick interest; and that the Ca-
 tholicks who live there, whom the Fa-
 ther of mercies hath vindicated into
 the liberty of the sons of God, being
 freed from the fear of punishment, en-
 joy your Royal protection. He who is
 rich in mercy, will reward such a pur-
 pose with some signal happiness: The
 Kingdoms of the Earth will applaud
 your Majesty, and the Host of Heaven
 will wage war for you: Though sinners
 gnash their teeth, and Impiety powerful
 to raise sedition threaten, yet Europe
 hopes she shall see King James tri-
 umphing in the Roman Church, and
 increasing the example of his Ancestors
 by new works of Piety. We do not
 distrust

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gentem. Non diffidimus adesse jam tempus Divini beneplaciti, quo illi qui Britannicæ religionis laudes monumentis consignant, non semper alterius seculi facta loquentur, sed præsentis etiam Principatus decora consequentibus ætatibus proponere poterunt ad imitandum. Majores illi tui te vocant, qui tibi tantæ claritudinis & potentæ hæreditatem reliquerunt, qui cœlestis regni fores Pontificis clavibus generi humano patefieri crediderunt. Certè fieri non potest, ut Majestas tua tot sæculorum fidem, & Regum de te præclarè meritorum, judicium aut contemnere audeat, aut condemnare. Nonne vides sententia Majestatis tuæ iis omnino cœlum eripi, qui tibi Regnum reliquerunt, dum eos in Religionis cultu aberrasse contendis? Ita fieret, ut quos universa Ecclesia cives cœli & cohæredes Christi in æterna patria dominari credit, tu ex ipsorum sanguine prognatus tuo suffragio è cœlo detraheres, atque in errorum abyssum, & pœnarum carcerem detruderes. Non sentis tanti cogitatione facinoris ingrati animi tui viscera perhorrescere? Nonne ejusmodi consiliis Regalis ingenii iadoles reclamat? quam tamen tot Europæ Nationes, dum ab Apostolica sede dissentit, reprehendere coguntur. Alliciat oculos tuos tantæ gloriæ splendor, quæ tibi è cœlo caput ostentat, & manum porrigit, in Sanctuarium Dei Britannos Reges per te reductura, comitantibus Angelis, hominibusque plaudentibus. Jacebat olim in orbe terrarum deformata ærumnis Christiana religio tyrannorum minas expavescens. Eam vero non solum è latibulis eduxit, sed ad imperium etiam vocavit Imperator ille, quem Magnæ Britannicæ debemus, Constantinus Magnus, Pontificiæ autoritatis Propugnator, & Romanæ fidei assertor: Hic aptum Majestatis tuæ Regalis imitationis exemplar, non Reges

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distrust that the time of Gods good pleasure is now at hand, when they who recommend to History the praises of the British Religion, shall not always speak of the deeds of another Age, but may be able to propose the present Government as a pattern of imitation to the Ages following. Your Ancestors call upon you, who have left you so powerful and so famous an inheritance; who believed that the gates of the kingdom of Heaven were opened to mankind with the Popes keyes. Certainly it cannot be, that your Majesty should dare either to contemn or condemn the belief of so many Ages, and the judgment of so many Kings, who have deserved well of you. Do you not see, that by your Majesties opinion they are deprived of Heaven, who left you a Kingdom, while you contend that they erred in the worship of their Religion? By this means it would be, that whom the Universal Church believes to be Citizens of Heaven, and to reign as Coheirs with Christ in that everlasting Country, you who are descended of them should snatch them out of Heaven, and thrust them into the bottomless pit of Error, and the prison of hellish torments. Do you not perceive your bowels yearn at the thought of so ungrateful an offence? Are not such deliberations repugnant to your Royal temper? which nevertheless so many Nations of Europe are forced to reprehend, while it dissents from the Seat of the Apostles. Let the splendor of so great glory allure your eyes, which looks out of Heaven upon you, and reaches you out a hand ready to reduce by your means the Kingdom of Britain into the Sanctuary of God, with the conduct of Angels and acclamations of men. A long time ago, Christian religion lay all along in the world squalid and deformed with anguish, affrighted with the threats of Tyrants: But that Emperor whom we owe to Great Britain, Constantine the Great, the Defender of the Popes authority, and the Avoucher of the Roman Faith, did not only bring her out of her lurking places, but

A but called her to an Empire. He is a fit pattern of imitation for your Majesty; not those Kings who have transgressed and dissipated the Everlasting Covenant. We call you, O most wished for Son, from this Watch-Tower of the World, into the Society of his Glory: Adde one day to your past years, which all posterity may celebrate with a grateful memory. Put a Mitre of Eternal Glory upon your head, that in the time of your Reign, we may say with the Holy Apostle, I have seen a new Heaven in Britain, and a new City descending from Heaven, and a guard of Angels upon her Walls. If that should come to pass, we shall make reckoning, that our Reign hath been happy to mankind. This our Sollicitude we believe will be so grateful unto you, That we verily hope upon the receipt of our Letter, you will forthwith increase the advantage of the Catholicks which live there: Which if you shall do, you will exceedingly oblige us, and we shall consign to you the King of Kings debtor of so great benefit, who so long as he shall preserve your Royal Family in eminent Happiness, shall second the wishes of the Roman Church, and bring joy to the holy Prelates.

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illi qui sunt transgressi dissipantes foedus sempiternum: In ejus gloriæ Societatem nos ex hac terrarum specula te vocamus, exoptissime Fili. Impone præteritis annis diem unum, grata totius posteritatis memoria celebrandum. Impone Mitram capiti tuo honoris æterni, ut te rerum potiente dicere cum Sancto Apostolo possimus, Vidi in Britannia Coelum novum & Civitatem novam descendentem de cœlo, & super muros ejus Angelorum custodiam. Id si continget, Pontificatus nostri tempora generi humano fœlicia affuisse arbitrabimur. Coeterum tibi Sollicitudinem hanc nostram adeo gratam fore existimamus, ut omnino speremus te his literis acceptis statim Catholicorum isthic degentium commoda aucturum. Quod si præstiteris, & nos tibi mirum in modum devinaxeris, & Majestati tuæ tanti beneficii debitorem delegabimus ipsum Regem Regum; qui dum Regalem istam Domum illustri aliqua fœlicitate sospitabit, Romana Ecclesiæ votis annuet, & Sacrorum Antistitum gaudio consulet.

Dated at Rome at
St. Peters, sub
annulo Piscatoris,
15 Octob. 1623.
The first year of
our Reign.

Datum Romæ apud
Sanctum Petrum
sub annulo Pesca-
toris, die XV Oct.
MDCXXIII;
Pontificatus 1º.

Nobilissimo

An. 1623.

*Nobilissimo Viro Carolo
Principi Walliæ,
Urbanus Papa Octavus.*

Pope Urbans
Letter to
Prince Charls.

Nobilissime Princeps, salutem & lumen Divinæ gratiæ. Primæ literæ, quæ Nobis ad Apostolatus folium elatis redditæ sunt, illæ fuerunt quas ad Sanctissimæ memoriæ *Gregorium* Decimum-quintum Prædecessorem nostrum ex *Hispania* misisti. Manus ad cælum sustulimus, & Patri misericordiarum gratias egimus, cum in ipso nostri Regiminis exordio Pontificem *Romanum* eo Officii genere colere *Britannus* Princeps inciperet. Singulari nostri quadam animi propensione rei *Anglicanæ* jamdiu favemus, quo factum est, ut in hoc Antistitum Conventu, & Nationum Patria, *Scoti* tui, dum Cardinalem ageremus, se in nostram potissimum Fidem ac clientelam contulerint. Patrocinium autem tam splendidæ Provinciæ suscipientes, identidem majorum tuorum res gestas, & *Britannicarum* Insularum laudes contemplabamur. Eos autem quo illustriores orbi terrarum antea ætates ostentabant, eo nos impensius cupiebamus consimilibus Christianæ pietatis triumphis hæc tempora illic insigniri. Cum autem Magnæ *Britannia* Rex, Pater tuus, non minorem ex disciplinarum fama, quam ex potentiæ vigloriam concupierit, optavimus semper, supra quam dici potest, ei divinitus insignem aliquam offerri occasionem generis humani demerendi, & cœlestis hæreditatis adipiscendæ. Nunc autem advenisse tempus credimus quo votis nostris frui liceat, cum ad tantum decus potentissimo parenti aditum patefacere in præfens videaris, Filius in maximarum rerum spem genitus. In ea enim sententia sumus ut arbitremur, tantum

To the most Noble
Prince Charles,
Pope Urban the Eight.

Most Noble Prince, we wish you health and the light of Gods Grace. The first Letters which were delivered to us after we were preferred to the Throne of the Apostleship, were those which you sent out of Spain to Gregory the Fifteenth of famous memory, our Predecessor. We lifted up our hands to Heaven, and gave thanks to the Father of Mercies, when in the very entry of our Reign, a British Prince began to perform this kinde of obeissance to the Pope of Rome. We have been a long time favorable to England by a natural bent and inclination, whence it came to pass that your Scotchmen recommended themselves to our especial Trust and Patronage in this Assembly of Prelates, and Country of all Nations, while we were yet Cardinal. When we undertook the protection of so famous a Kingdom, we did often contemplate the Exploits of your Ancestors, and the Elogies of the British Islands; and by how much former ages did represent them more glorious to the World, by so much did we more earnestly desire that these times might there be made remarkable with the like triumphs of Christian Piety: And seeing the King of Great Britain, your Father, loveth no less the glory of Learning, then that of Might and Power; we have always heartily wished above what we are able to express, that God would be pleased to put into his hand some eminent occasion, whereby to oblige mankind, and obtain an eternal Inheritance. And now we believe the time is come to enjoy our wishes, since you seem at present to open the way for so great a fame to your most Noble Father, a Son begotten unto the hope of the greatest concerns;

cernments ; for we are of opinion ,
that your so vehement desire of a Catholick marriage, is a certain voice of God calling you , and disposing all things sweetly. For it is not necessary that the Omnipotent should always thunder with the voice of his greatness ; because secret counsels themselves, directing men into the way of Salvation , are words by which the Eternal Wisdom speaks and declares the command of a Deity. Wherefore we have ever endeavored to the utmost of our power, that this Honorable Marriage, by the blessing of God, might be finished. From hence you may perceive, that none could have been advanced to this height of humane Affairs , from whom you may expect more expressions of good will or fruits of bounty. For your Ancestors which tamed Heretical Impieties , and not onely revered, but vindicated the Roman Hierarchy, do recommend you a most Noble Prince to the Papal Charity : For when Monsters of new Opinions broke into the Bulwarks of the Northern Ocean, they bridled the endeavors of the wicked with wholesome arms , and did not change the truth of God into a lye. And if you, as you write, shall in good earnest glory more in the imitation of your Ancestors, then that you are descended of Kings , we easily foresee how great joy to the Church of Rome and how great felicity to the British Kingdoms these words do promise, which deserve to be written in the Book of Life. Such good turns, O most desired Son , the venerable Assembly of the Scottish Kings exacts and expects from you : whose actions without doubt he condemns, who revolts from their Religion. The Catholick Kings of all Europe require this of you ; for how can their Concord be the Vow of your care, as long as you dissent from them in a matter of the greatest importance , that is, in the veneration of holy Rites ? The Roman Church which England revered long ago, as the Mistress of Truth, whose belief

you

tum quo flagras, Catholici conjugii desiderium, quandam Dei te vocantis, & suaviter omnia disponentis, vocem esse. Nam opus Omnipotenti non est tonare semper voce magnitudinis suæ, quia ipsa arcana consilia dirigentia mortales in viam salutis, verba sunt quibus æterna sapientia loquitur, & jubentis Numinis mandata declarat. Quare omni semper studio elaboravimus, ut conjugium hoc honorabile, benedicente Domino, perficeretur. Hinc conjicere potes, non potuisse alium ad sacrum hoc rerum humanarum fastigium provehi, à quo plura sperare possis documenta benevolentiae & beneficentiae fructus. Teenim Principem Nobilissimum Pontificiae charitati commendant majores tui, Hæreticæ Impietatis domitores, & Romana Hierarchiæ non cultores modo, sed vindices. Ii enim cum dogmatum novorum portenta in ea Septentrionalis Oceani propugnacula irrumperent, impiorum conatus salutaribus armis compescuerunt, nec commutaverunt veritatem Dei in mendacium. Quod si, ut scribis, re ipsa magis gloriaberis de avitæ imitatione Religionis, quam de Regii sanguinis Hæreditate, facile prospicimus quantam ejusmodi verba, in libro viventium exaranda, Romana Ecclesiæ lætitiæ, & Britannicis Regnis fælicitatem polliceantur. Hæc à te beneficia desideratissime Fili, exigit atque expectat venerandum illud Regum Scotorum Concilium, quorum facta absque dubio condemnat qui ab illorum Religione desciscit. Hoc à te Catholici totius Europæ Reges flagitant ; quomodo enim eorum concordia potest votum esse sollicitudinis tuæ, donec ab eis in maxima re, id est, in Sacrorum cultu dissentias ? Romana Ecclesia, quam Magistram veritatis Anglia tam diu coluit, cujus fidem tibi non invisam esse fateris, cupit tibi coelestis Regni

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fores quam primum patefacere, & te in Majorum tuorum possessionem reducere. Cogita te nunc in *Hispania* Regia spectaculum esse factum Deo & hominibus, semperque fore desiderium & curam Pontificatus nostri. Cave ne consilia eorum, qui terrenas rationes cœlestibus anteferunt, obdurent cor tuum, nobilissime Princeps lætifica tandem Militiam Cœlestis exercitus, in tuis castris demicaturam, ac faventibus Angelis, hominibusque plaudentibus, redi, Fili exoptatissime, ad Ecclesiæ te cupientis amplexus, ut in Matrimonio tuo gestientes gaudio canere possimus, Dominus regnavit, & decorem indutus est. Omnino qui Catholicæ Virginis nuptias concupiscis, Cœlestem etiam illam sponsam tibi assumere debes, cujus forma se captum fuisse *Solomon* ille Regum sapientissimus gloriatur. Hæc enim sapientia est, per quam Reges regnant, cujus dos est splendor gloriæ, & Principatus sempiternus. Eam vero à terrarum contagione secretam, atque in sinu Dei recubantem, in *Romanæ* Ecclesiæ Sanctuario Majores tui quæsierunt. Qui tibi has hortationes conscribimus, & benevolentiam Pontificiam testamur, cupimus perpetuis Historiarum Monumentis nomen tuum commendari; atque in eos Principes referri, qui præclaro merentes in terra de Regno Cœlesti, fiunt posteritati virtutis exemplar & votorum mensura. Oramus Patrem luminum, ut beata hæc spes, qua nobis tanti Principis reditum, deducente Spiritu Sancto, pollicetur, quam primum ferat fructus suos, & Magnæ *Britanniæ* salutem, totique orbi Christiano pariat lætitiā.

*Datum Romæ apud
Sanctum Petrum
sub annulo Piscatoris,
Die 15 Octob.
1623. Pontificatus
nostri Anno Primo.*

you confess you hate not, desires forthwith to open unto you the Gates of the Heavenly Kingdom, and to bring you back into the possession of your Ancestors. Think that now in Spain you are become a spectacle to God and Men, and that you shall always be the desire and care of our Reign. Take heed most Noble Prince, that the Counsels of those who prefer worldly interests before heavenly, do not obdure your heart. Make glad the Host of Heaven which will fight in your Camps; and return, O most wished for Son, into the embraces of the Church which desires you with the applause and favor of Men and Angels; that so rejoicing in your Marriage, we may sing with joy, The Lord hath reigned and put on comeliness. Certainly you who desire the Marriage of a Catholick Virgin, ought to espouse the heavenly Bride, with whose beauty Solomon the wisest of Kings, boasts himself to have been enamored. For this is the Wisdom by which Kings reign, whose Dowry is the splendor of Glory, and an eternal Principality, and your Ancestors sought her in the Sanctuary of the Roman Church, severed from the contagion of the World, and reposing in the Wisdom of God. We who write to you this Exhortation, and testifie our Papal Charity, desire to have your name renowned in the Histories of all Ages, and that you may be recorded amongst those Princes, who deserving well on Earth of the Kingdom of Heaven, are become the example of Vertue to posterity, and the measure of wishes. We beseech the Father of Lights, that this blessed hope by which he promiseth us the return of so great a Prince, by the conduct of the Holy Ghost, may forthwith fructifie and bring Salvation to Great Britain, and joy to all the Christian World.

*Dated at Rome at St. Peters
sub annulo Piscatoris, die
15 Octob. 1623. in the
First year of our Reign.*

Not-

Notwithstanding this great business of State began to look with an ill aspect, by the concurrence of various Passages tending to a Rupture of the Treaty. In *England* the Spanish Ambassadors demands grew high and peremptory; yet the King to give them content, directed the Lord Keeper and other Commissioners to draw up a Pardon of all Offences past, with a Dispensation for those to come, to be granted to all *Roman* Catholicks obnoxious to any Laws against Recusants; and then to issue forth two General Commands under the Great Seal of *England*: The one to all Judges and Justices of Peace; and the other to all Bishops, Chancellors, and Commissaries, not to execute any Statute against them.

The General Pardon was passed in as full and ample manner as themselves could desire, or pen it: But to that vast Prohibition to the Judges and Bishops, some stop was made by the Advice of the Lord Keeper, for these Reasons.

First, Because the publishing of this General Indulgence at one push, might beget a General Discontent, if not a Mutiny; but the instilling thereof into the peoples knowledge by little and little, by the favors done to particular Catholicks, might indeed loosen the Tongues of a few particular persons, who might hear of their Neighbors Pardon, and having vented their dislikes, would afterwards cool again; and so his Majesty might with more conveniency by degrees enlarge his favors.

Secondly, Because to forbid the Judges against their Oaths, and the Justices of Peace, who are likewise sworn to execute the Law of the Land, is a thing unpresidented in this Kingdom, and would be a harsh and bitter Pill to be digested without some preparative.

The two Ambassadors with much ado consented, That the matter should rest till the end of Six Moneths, or the *Infanta's* arival; yet they did it with a shew of discontent, as if the King performed nothing. The disaffection of these Ministers was supposed to be one rub in the way of this Alliance. And on the other side, some of the Princes followers in *Spain*, being zealous of the Protestant Religion, disliked the Match, and shewed their avernsness to it. Sir *Edmund Verney* struck an English man, a *Sorbon* Doctor, a blow under the Ear, for visiting and laboring to pervert one of the Princes Pages, who was sick of a mortal Feaver. Divers derided the Popish Ceremonies, and Spanish Garb, and slighted the Country, and some committed irreverent actions in the Kings own Chappel. Hereupon they began to disgust the English, and to rail at *Gondomar* for informing the King and State, That the Prince might be made a Catholick. Moreover those many Irish that subsisted by Pensions from the Crown of *Spain*, did no good offices; and the *French* and *Venetian* Ambassadors in that Court, were conceived not to be idle: But there were greater things then these. The Duke of *Buckingham*, the Princes Companion and Guardian, was much disrelished by the Court of *Spain*. His French garb, the height of his spirit, and his over-great familiarity with the Prince, were things opposite to the way, and temper of that grave, sober, and wary people. And the Council of *Spain* took exceptions, that he should come with such a superintendent power in that great affair, among so many grave Statesmen, to the prejudice of so able a Minister as the Earl of *Bristol*, who had laid the first stone in that building: Whereupon his power was called in question, and found imperfect, in regard it was not confirmed by the Council of *England*: Moreover, the Duke lay open to some affront, which intraged him sore against the

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The Treaty begins to tend to a rupture.

The Prohibition to the Judges and Bishops, in behalf of the Catholicks suspended.

Some of the English in *Spain*, dislike the Match and Religion.

The Duke disgusted in *Spain*.

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Buckingham
and *Bristol*
run different
ways.

The *Palatine*
by his Secre-
tary labors to
engage the
Prince against
the Marriage.

The *Spaniards*
continues
new delays.

The English
Papists per-
plexed.

Conde Olivares; and things grew to that extremity between the Duke and that Kings Ministers, that they did not stick to say, That they would rather put the *Infanta* headlong into a Well, then into his hands. Nevertheless, in the Prince himself they observed an extraordinary well staid temper and grave comportment.

In the present action, *Buckingham* and *Bristol* ran different ways with great animosity: *Bristol* had the advantage in *Spain*, yea, in the Court of *England* he had gained a great esteem and powerful party, and had wrought himself into the Kings opinion by his strenuous Negotiation and pleasing Services. As concerning the Dukes demeanor, the opinions in *England* were very different: By the people in general who loathed the Match, he was favored for his care of his King, Prince, and Country; but by the Court he was much maligned and censured, as the occasion of those delays, by diverting and changing the ways wherein they began to treat: But the King himself was very reserved, either still loving the Duke, or over-awed by his intimacy and power with the Prince. For in all occurrences the Prince closed with him, and seemed to give him a large room in his heart. Now the Dukes friends at Court pressed him to return speedily, and by all means with the Prince, and assured him, That the longer he stayed there, the stronger he made his enemies, and himself the weaker.

And *Buckingham* well observed, that he had little obligation to *Spain*, and had reason to seek some surer props to uphold his greatness. And to draw him further off, the Secretary of the Prince *Palatine* coming to *Madrid*, under pretence of praying the Duke to be God-father to one of his Masters Children, labored to engage him against the Marriage: For the *Palatine* could not rely on the new overture of Marriage between his Eldest Son, and the Emperors youngest Daughter, it being a labyrinth out of which no Thred would guide him, were the Proposals already granted: For being an act of so many various parts, as the Pope, the Emperor, the King of *Spain*, the Duke of *Bavaria*, and divers others, it must needs be full of tedious intricacies. What Money or other conditions could be offered, that were like to satisfy the honor, humor, and huge expence of the *Bavarian*, for quitting his conquest to an irreconcilable Neighbor? What Foreign Alliance is able to persuade the Emperor, who hath changed all Tenures of Election into Succession, and shaken the antient Freedom of the *German* Princes, that he should revive his Enemies dead forces to the prejudice of all that he enjoys, or aspires unto? Would the Pope be won to suffer *Heidelberg*, which he accounted the most dangerous Nest of Hereticks after *Geneva*, to return to her former strength? Besides the Education of the *Palsgraves* Son in the Emperors Court, and the Sequestration of his Country, during his Sons Nonage, would be required as necessary to that Conjunction.

By this time the King must needs be full of jealousies, and the Princes patience well nigh spent by the *Spaniards* intricate proceedings; for the Divines insisted stily, That the Consummation of the Marriage, and the delivering of the *Infanta*, should be deferred to the next year; which seemed a rigorous Proposal. Howbeit, that King promised to abate the rigor, and engaged himself to accomplish the Marriage at *Christmas* following, if the Prince would continue there so long. But the resolution touching the delivering of the *Infanta*, was unalterable.

The English Papists apprehending that a Rupture was like to follow,

were

were much perplexed: A great Stickler, Sir *Toby Matthews* by name, did press his Catholick Majesty to give the Prince some foot of ground, upon which he might be able to stand with honor, in complying with that extraordinary affection which he beareth to the *Infanta*. Moreover he protested to him, That if the Catholicks of these Dominions should grow liable to persecution or affliction by the occasion of this breach, through the disgust of the King and his Council, or through the power which the Puritans assembled in Parliament will infallibly have with him, that blood or misery may be partly required at their hands who have advised his Majesty not to accept those large Conditions which the King and Prince had condescended unto, and that more then Moral security which they had offered for the performance thereof.

Now the Prince is thinking to leave the Court of *Spain*, and they say he wrote to his Father a Letter of high Despair, wherein was this passage, *You must now Sir look upon my Sister and her Children, never thinking more of me, and forgetting that ever you had such a Son*: Whereupon King *James* sent swift dispatches to hasten his return. The King and Council of *Spain* seemed to be startled at these Resolutions, and his Majesty importuned the Prince, That having staid so many years for a wife, he would stay some few moneths longer: And if he pleased to give way that the *Infanta's* journey might be put off till the following Spring, he would give him a Blank to write his own Conditions touching the surrender of the *Palatinate*. But when his Highness urged Reasons for his departure, they took the matter in debate afresh, and consented upon Oath first given, as well by his Catholick Majesty, as by the Prince, to accomplish the Marriage, and to make the Espousals within ten days after the Ratification should come from *Rome*: To which purpose the Prince made a Procuration to the King of *Spain*, and *Don Carlos* his Brother, to make the Espousals in his Name, and left it in the Earl of *Bristol's* hands. Nevertheless he left in the hand of one of the Dukes Creatures, a private Instrument, with Instructions to be delivered to the Earl of *Bristol*, to stay the delivery of the Proxies, till further direction from him, pretending, That the *Infanta* might retire into a Cloister, and defraud him of a Wife. But these Instructions were to be concealed from the Earl till the Ratification came from *Rome*.

The Duke not regarding a Ceremonious Farewel at Court, departed hastily a little before the Prince, pretending to prepare the English Navy that lay at the Port of *St. Andrew* for the Princes transportation. *Olivares* and he had but a harsh parting; for he told *Olivares*, That he was obliged to the King, Queen, and *Infanta*, in an eternal tye of gratitude; and that he would be an everlasting Servant to them, and endeavor to do the best Offices for concluding the Match, and strengthening the Amity between the Crowns: But as for himself, he had so far disoblighed him, that he could not without flattery make the least profession of friendship to him. The *Conde* replied short, That he accepted of what he had spoken. The Duke departing with so little satisfaction, the *Spaniards* concluded, that he would endeavor by all means possible to hinder the Marriage.

But the Prince for his part had gained an universal love, and was reported by all, to be a truly Noble, discreet, and well-deserving Prince; his grave comportment suited with the very genius of that Nation, and he carried it from the first to the last with the greatest affability, gravity, and constancy; and at his farewel, with unparallel'd bounty; and he left

The Prince ready to depart from the Court of *Spain*, leaves a Proxy with the Earl of *Bristol*.

The Duke and *Olivares* part not Friends.

The Prince universally esteemed.

An. 1623.

His departure
solemn.The Prince
feasted the
Dons aboard
his Ship, and
bringing them
back again to
the shore, a
storm sur-
prises them.Expressions
of joy for the
Princes safe
return into
England.Private In-
structions de-
livered to
Bristol, con-
trary to the
Proxy.

left behinde him Gems of inestimable value for the *Infanta* and several *Grandeess*.

His departure from *Madrid*, being the Twelfth of *September*, was very solemn, the Queen and the *Infanta* were prepared in great magnificence with a Train of *Grandeess*, and Ladies, to receive his farewell: And among other passages, this one was taken to be an Argument of the *Infanta's* real love to the Prince, That she caused many divine duties to be performed for the safety of his return into *England*. The King brought him on his way to the *Escorial*, and there feasted him, and at the Minute of parting, declared the Obligation which the Prince had put upon him by putting himself into his hands, a thing not usual with Princes; and he protested, That he earnestly desired a nearer Conjunction of Brotherly affection, for the more intire unity betwixt them. The Prince replying to him, magnified the high favors which he found during his abode in his Court and presence, which had begotten such an estimation of his worth, that he knew not how to value it; but he would leave a *Mediatrice* to supply his own defects, if he would make him so happy as to continue him in the good opinion of her his most fair, and most dear Mistress.

From thence he was attended with a Train of Spanish Courtiers to the English Navy, where he feasted the *Dons* aboard his own Ship; and when he was bringing them back to shore, there arose a furious storm wherewith the Barge was so driven, that it could neither fetch the Land, nor make to the Ships again. The night came on, and the tempest and darkness meeting, made their condition desperate; till at length espying a light from a Ship, near which the winds had driven them, they made towards it, and then with extream hazard were imbarqued.

It was observed, That the first words his Highness spake after he was imbarqued, were, That it was a great weakness and folly in the *Spaniard*, after they had used him so ill, to grant him a free departure.

The Prince arrived at *Portsmouth*, *October* the Fifth, and no sooner was he landed, but it appeared, that he was the Kingdoms darling, the peoples hearts did burn to see him, and unanimously praised God without any Publick Edict of Thanksgiving. Publick Societies and private Families every where abounded in all expressions, both of Religious and Civil rejoicing. When he entered *London*, the Bonfires which the peoples universal joy had kindled, seemed to turn the City into one flame.

Immediately after the Princes departure from the Court of *Spain*, a rumor was spread that the Ratification was come from *Rome*, and that it came plenary and absolute. By which means the Princes private Instructions were anticipated by the Earl of *Bristol*; for the *Functo* pretended full Warrant to proceed, and summoned the Earl of *Bristol* to attend them, and earnestly pressed him, That the Articles might speedily be ingrossed and signed. Hereupon the party in whose hands the Prohibition left by the Prince, lay dormant, either conceiving the Ratification to be come indeed, or apprehending that it was the Princes meaning to prevent the sudden concluding of matters, delivered to *Bristol* that Letter of private Instructions, the very day that the Prince arrived at *St. Andero*. In reading it, the Earl was troubled exceedingly, and said to the other, That it must for a time be concealed, lest the *Spaniards* coming to the knowledge of it, should give order to stay the Prince.

It vexed *Bristol*, that his building of so many years should at once be pulled in sunder. He resolves to wave this private Order, and if the Ratification

A

B

C

D

E

F

Ratification came, to deliver the Proxies, and to support himself by his Publick Warrant under the Great Seal of *England*. Now the Prince and Duke being jealous that *Bristol* would counter-work them, left Sir *Walter Aston* joyned in Commission with him, and acquainted *Aston*, that the Princes meaning was never to Match there, without the restitution of the *Palatinate*, and the conservation of his Honor in all respects intire.

21 *Jacobi.*

A Immediately the Earl of *Bristol* sent dispatches into *England*, laboring to satisfy the King and Prince in all thin is touching the Marriage: And shewing, that he had exactly set down the Case, how a Woman betrothed, may before the consummation of Marriage, betake her self to a Religious life, and all the sorts of Security for the preventing of such a courie; and that the King of *Spain*, his Sister, and all his Ministers do offer all security that may stand with decency and honor, for the performance of the whole agreement. And though the point of portion were a rough and knotty peece, yet when by the original Papers and *Consulto's* of the last King, the *Juncto* found it to be no less then Two Millions, they resolved to make it good; notwithstanding they alledged that this sum was four times as much as ever was given in Money with any Daughter of *Spain*. Moreover he did woo the Prince by argument, That as the King his Father, so himself had thought this to be the fittest Match in all the World: And though the *Spaniards* had committed many Errors, yet he had already passed them by, and overcome the main difficulties: That by his Journey he had satisfied himself of the *Infanta's* person, who for her birth and portion, was no where to be matched; and for her vertue and settled affection to his Highnesses person, deserved him better then any Woman in the World: That the Match was sure, the Portion and Temporal Articles now settled, but the delay of the *Desponsorios* will grieve the Princess, and bring a cloud of distrust and jealousy upon the whole business. The personal distastes of Ministers indiscreet and passionate carriages should not hazard that which hath been brought to the present State with so much cost, and pains, and patience; and which being well accomplished, will procure so much good to the Christian World, and contrariwise so much trouble and mischief, if it should miscarry, and break to peeces. Now upon these Grounds and Motives he made intreaty, That with all speed a Post might be sent unto him, bringing Authority to deliver the Powers upon the arival of the Dispensation.

Bristol in a Letter gives the Prince a good account of the business.

E But the Prince and *Buckingham* made haste to engage the King, and making a plausible Narration of their own proceedings, the *Spaniards* delays, and *Bristols* miscarriages, drew him to alter the whole state of the Treaty. Hereupon the King sends an expresse command to *Bristol*, to deliver his thanks to the King of *Spain* for the high entertainment, personal kindness, respect, and favor, received by his Son the Prince, who was returned so well satisfied, as that he was not able to magnifie it sufficiently. And further to let him know, That to make a firm and indissoluble union between their Families, Nations, and Crowns, and withal not to abandon his own Honor, nor at the same time to give joy to his only Son, and to give his onely Daughter her Portion in Tears, he had by the advice of that Kings Ambassadors entred into a Treaty for the Restitution of the *Palatinate*; that he always understood and expected that upon the effecting of this Marriage, he should obtain the restoring of his Son-in-law, both to his Countrey and Dignity; and that the Emperor,

King *James* falls off, and for a Condition of the Marriage, demands the Restitution of the *Palatinate*.

Ad. 1623.

Bristol and
Aston demur
upon the new
Instructions.

either by finding out some great Title, or by increasing the number of the Electoral Stiles, might satisfie the Duke of *Bavaria*. And for these Reasons the King commanded *Bristol* instantly to procure from that King, a punctual Answer touching the course he resolves to take, for the restitution of the *Palatinate*, and Electorate, and what assurance shall be given for his contentment, if the Emperor or Duke of *Bavaria* should oppose any part of the expected restitution. Moreover, he gave direction, and signified his special desire, that the *Elpousals* should be made in one of the *Christmas* Holidays, because that holy and joyful time would best become an action so notable and blessed.

The Earl of *Bristol*, with the Concurrence of Sir *Walter Aston*, took boldness to demur upon these new Instructions; and yet again to represent to his Majesty the state of these affairs, they inform him, that by deferring the *Epousals* till *Christmas*, the powers were made altogether useless and invalid, there being a Clause in the body of them, That they shall remain in force till *Christmas*, and no longer. And the suspending of the execution of the powers, till the validity of them be expired, is an effectual revoking of them: Besides, the pretexs of this delay are no new, but old matters, which were often under debate, but never insisted on to retard the main business. And it will be thought, that they should rather have hindered the Grant of these powers, then the execution of them being granted. Surely, a staggering in the former resolutions will be suspected, and the clearing thereof between *Spain* and *England* will cost much time. As concerning the Prince *Palatine*, it was the care of the Spanish Ministers, that that business might be well compounded before the *Infanta's* coming into *England*: For they say, that otherwise they might give a Daughter, and a War presently follow. Besides, the Instructions given under his Majesties hand, were indeed to insist upon the restoring of the Prince *Palatine*, yet not so to annex it to the Treaty, as thereby to hazard the Match: For he seemed to be confident, that the one would never grow to a conclusion, without a settled resolution to effect the other: And the Prince and Duke during their being in *Spain*, observed the same course. Moreover the *Palatinate* affairs have relation to many great Princes interested therein, and cannot be ended but by a formal Treaty, which will require a great length of time; and if the conclusion of the Match should depend thereon, the Prince may be long enough unmarried, for the advancement of their interest who desire he should so continue, or not match with *Spain*.

The preparations for the Marriage go on chearfully, the Popes Dispensation is hourly expected, with an intention to demand the powers immediately, and upon what pretext shall they be detained? Shall we alledge his Majesties pleasure, that the solemnity be performed in the *Christmas* Holidays? But that is impossible, for the powers are then expired. Shall we urge the restoring of the *Palatine*? This was not made a condition, but was treated as a business part. The delay of the *Desponsario's* will put a scorn upon the *Infanta*, and upon the King of *Spain*, who hath called himself the *Infanta's Desponsado*. And this cannot stand with that exact and honorable dealing which his Majesty hath hitherto used. Now upon these Inducements, in the result and close of all, the Ambassador humbly advised the King to return to the former state of the Treaty, and to nominate a day for the delivery of the Proxies, and resolved somewhat to protract the time for the receiving of his Majesties further direction.

Thus

21 Jacobi.

Sir Walter Aston endeavors to reconcile the Duke to Spain.

A Thus did the Earl of *Bristol* endeavor to restore the business; and the better to bring it on, Sir *Walter Aston* labored to reconcile the Duke to *Spain* by this manner of Insinuation: He believed that his Grace was infinitely provoked to be an enemy to this Match, and might have many Reasons suggested, how much it concerned him to break it with all the force he hath; yet he could not believe that the Error of one Man, can make him an enemy to that which carries in it so much content to the King and Prince, nor that his judgment can be led by these Arguments, which under colour of safety, would bring him into a dangerous labyrinth. For the most prosperous War hath misfortune enough to make the Author of it unhappy; and how innocent soever his Grace might be, yet the occasions which have been given him, will make him liable to such an aspersion. But if the Match proceed, and take effect, he will have the honor thereof, and the *Infanta* being duly informed, must needs acknowledge him to be the person unto whom, in that behalf, she is most obliged.

B But these Motions incensed *Buckingham*: And now having the Prince linked to him, he could over-rule the King, and bear down all his Adversaries. The Prince and the Duke began to take a popular way, and to close with those of the Privy Council and the Nobility that were opposite to *Spain*, and best liked of by the Puritan party: They projected also the calling of a Parliament to consult the Nation, and to clear the Kings integrity, and to gain to themselves a great esteem in the hearts of the people.

C And some there were that suggested to the King, that the Dukes design was to prevent the Princes Marriage, not onely with *Spain*, but any where else, that his own greatness might still be absolute. For, say they, were it love to his Countrey that led him to a breach and War with *Spain*, there was as much reason for a breach of the Match and Peace, when the Parliament urged it, as now there is. And they said, That the approaching Parliament was to marry the Duke to the Commonwealth, that he might stand not onely by the King, but by the people and popular humor, which of late he hath courted earnestly; and so they warned the King to have more special care of his own preservation.

D But the Earl of *Bristol* was straightly commanded to follow the new Instructions; namely, before he deliver the Powers, or move to the Contract, to procure from the King of *Spain*, either by Publick Act, or by Answer, under his Hand and Seal, a direct Engagement for the Restitution of the *Palatinate*, and the Electoral Dignity; by Mediation, or by the assistance of Arms, if Mediation fail, together with a limitation of the time, when the way of Mediation shall determine, and the assistance of Arms begin. And the King declared, That he had reason infinitely to think it requisite to deal plainly and clearly with his Brother of *Spain*, because the *Berksstro* in the *Palatinate*, the prime flower of his Son-in-laws Revenue, was taken by the Arms of *Spain*, and put into the possession of a Spanish Garison, or under their command; and the Countrey or Revenue thereof, was contrary to the Contract with the *Infanta* at *Bruxels*; and upon an old pretence, freshly delivered into the hands of the Bishop of *Mentz*, being none of those to whom Interest or Mediation had been formerly used, or thought of; who were onely the Emperor, the King of *Spain*, and the Duke of *Bavaria*.

F And concerning the Marriage Portion, he absolutely rejected both Jewels and yearly Revenue, as contrary to the first Agreement, and expected

Advice to the King touching the Duke.

The Earl of *Bristol* is commanded by the King to follow the new Instructions.

An. 1623.

pected the Total sum in *specie*, at reasonable times of payment. As touching the Espousals, he commanded the Suspension of the Powers left, and sent the Powers renewed by the Prince, for a larger time, that no blame might light on him, or his Son, in case that King could not give satisfaction in so short a time, as that where in the former powers would become invalid. In the mean while he said he was ready to propound good ways to satisfy the Duke of *Bavaria* in point of Title and Honor, and to continue the Negotiation for Matching the *Palatines* Eldest Son with the Emperors Daughter.

The Earl of *Bristol* had a difficult part to act in *Spain*, and in *England* the Duke set all his strength to crush him. The Surrender of the *Palatinate* to the Kings contentment was not probable, after it was ransacked and alienated, and as a common Booty shared in parcels to several Princes.

King James
puts the *Palatinate*
in hope,
by Proposal of
new terms.

Nevertheless as yet the King hoped by Treaty to compose the whole business, and to satisfy the several Interests. And having by his continued patience and industry reduced Matters to a Circle of lesser extent then the former generalities, tendered to the *Palatine* these terms of hope. In the first place, That he make a due submission to the Emperor under convenient Limitations, which shall first be granted in Conformity to that which is Noble, with Assurance requisite for the free and safe going and return of his Person and Train. And that this being done, a Present and full Restitution of all the *Palatinate* shall be made to the person of his Son, and that he himself shall be his Administrator during life; and that after the death of the Duke of *Bavaria*, his Son shall be established in the Electoral Dignity. Moreover, if the Marriage between his eldest Son, and one of the Emperors Daughters should take effect, it would ensure the enjoyment of all according to the present Contract, and make way for the bettering of the Conditions to his own person. In Contemplation of which Marriage, the other party have approached a degree nearer, to wit, That the Electorate shall return to his own person after the death of the Duke of *Bavaria*. And as touching the many difficulties in the Treaty of this Marriage, to wit, The Education of his Son, he had devised a way for the satisfaction of parties, which was, That he should be brought up, neither at the *Hague*, nor in the Emperors Court, but with his own Son, the Prince of *Wales*, and in the presence of the *Infanta* of *Spain*, after her arrival in *England*. Upon these Overtures the King adviseth his Son-in-law to have recourse to his own Wisdom, and after mature deliberation, to make a choice agreeable to the honor and safety of his estates. And he delivered his own opinion, That a ready entrance into the possession of his own estate, with a kinde of present liberty, and an assurance in time to recover more, was to be chosen rather then his present bare condition and hazardous expectation upon other uncertain means.

Upon the tender of these Proposals, Letters of Consultation were sent to the King from his Son-in-law, and from Sir *Dudley Carlton* to the Duke of *Buckingham*; who, for the greatness of his power, was to be courted and made a friend in all transactions.

The *Palatines*
Answer to
those Terms
proposed by
the King.

To the submission in the first place required, reply was made, That in natural order, the Restitution which was material and substantial, ought to precede the same, which was but a point of Ceremony, or at least, it is necessary that all things be resolved, and settled in such assurances as shall be held convenient, otherwise a submission might be yielded,

yielded, and the Restitution never follow. Besides, if the Emperors intentions be sincere, and real, and without any aims to take advantage upon the *Palsgraves* person (as the Emperor, *Charles* the Fifth, did upon the *Landgrave of Hessen*, under the subtle distinction of a syllable in the safe conduct) the Submission might as well be made by a Deputy; by which means he might be freed from those apprehensions, which the Executions at *Prague*, and other cruelties used by the Imperialists, might impress in his minde. Moreover, a Submission under the specified Condition of yielding the Electorate to the Duke of *Bavaria*, will prejudice his cause for ever: For the Electors of *Saxony* and *Brandenburgh*, who have always protested against the Translation, and the other Princes of *Germany* who have like-feeling, will disavow their own Protestations in regard of him who shall abandon his own pretensions; and instead of favoring him, may be made his enemies. The experience of things may shew what issue is like to follow a consent to the like Conditions; for the Emperor had manifestly abused him in two Overtures already.

First, The Instrument signed for the Conditional Resignation of the Crown of *Bohemia*, in the year One thousand six hundred twenty and one, scrved the Emperor to accelerate the Treaty then on foot with *Bethlem Gaber*. Secondly, The Ratification of the Suspension of Arms the last Summer, served to intimidate the Electors of *Brandenburgh* and *Saxony*, that they may not undertake any thing against the Emperor. For both the one, and the other, were for these very ends divulged by the Emperor before any thing was therein concluded: And so will the Emperor make his advantage of the present Proposition, both to hinder the Progress of *Gaber*, and to continue the intimidation of the Princes of *Germany*. Furthermore, in this Submission it were necessary to take care that his undue Proscription and Banishment, being to the prejudice of the Constitutions of the Empire, and held by the Electors of *Saxony* and *Brandenburgh* of no validity, may not be approved, and a mark of Infamy set upon the *Palatine* and his posterity. And lastly, shame and disgrace will be the end of this Submission, there being assurance of no better dealing then was used to the deposed House of *Saxony* by *Charles* the Fifth, an Emperor not worse then this; the heir of which House, being one of the worthiest Princes in *Germany*, is now in hard conditions before the eyes of the exiled *Palatine*.

Unto the second point, the exclusion of the *Palsgraves* person, and the setting upon his Son, it was thus replied, That *Spain* had always given hope, and the Earl of *Bristol* great assurance, even when the Marriage was not so far advanced as now it is: That in case of the Emperors refusal, they would assist his Majesty, and compel the Emperor to an intire Restitution. Besides, there is little ground of hope from these Treaties as they are managed, and wire-drawn by the House of *Austria*, from whom we have ever new Overtures in Winter, and new Ruptures in Summer: For the Emperor wanteth but two or three years leisure, which he will easily gain by a Treaty of Marriage, to establish in *Germany* the Translation of the Electorate and *Palatinate* without any hope of Recovery: Therefore sufficient Assurances should ever precede the Treaties: For the present Season did offer a very fair opportunity of recovering the Estate and Dignity.

The *Palatines* pretensions were not prejudiced by a long interposition of time, the memory of the undue proceedings in the Ban, and the Translation, and the seizure of his Inheritance are fresh in the minde of the Princes,

An. 1623.

Princes, who by their own Interests are moved to a greater compassion. As for the hope of Restitution from the Match with *Spain*, there is little reason to put a difference between the *Spaniards* and the Imperialists, who have with joynt consent conspired the ruine of the *Palatinate*, with the same Forces, Counsels, and Designs: And whilest things have been some times upon terms, and always in talk of an Accommodation, the Electorate is given to the Duke of *Bavaria*, and avowed by a Congratulatory Message from the Arch-Dutchess; the Upper *Palatinate* is settled in the *Bavarians* possession, and a Portion allowed the Duke of *Newburgh* for his contentment. A principal part of the Lower *Palatinate* is given to the Elector of *Mentz*, by the consent of those at *Bruxels*, and therest is promised to be parcelled among other Princes.

Now for the hopes of a surer way to regain an happy settlement, by the Concurrence of the King, his Allies and Confederates, and the whole Protestant party in *Europe*; let these Matters be weighed in the Ballance of Common Judgment. The Electors of *Saxony* and *Brandenburgh*, and all the Princes save those of the Catholick League, have declared, That the Peace of *Germany* depends upon the restoring of the *Palatine*: Besides, the Levies which they made in the beginning of the last Summer, though by the unfortunate accident of Duke *Christian* of *Brunswick*, they were soon dismissed, do testifie the same affections still remaining in them, and the same Resolutions to embrace any good occasion for recovering the liberty of *Germany*. The number of those that have this conjoynd Interest, is great and mighty, yea, the greater part of the people, both Horse and Foot, which marched under the Catholick Banner, were of a contrary Religion and Affection, and more inclined to the ruine, then preservation of the Catholick League. All that is wanting is the concurrence and conduct of some great Prince that may support them against the House of *Austria*: The King of *Denmark* being a Prince full of circumspection, and being unwilling to enter into play alone, made answer to all instances, That as other Princes have their eyes on him, so he hath his eyes on the King of Great *Britain*. Wherefore, although for these two or three years past Affairs on this side have gone in a continual decadence, and a final ruine be now threatned, unless it be withstood by some Princely resolution, not of petty but of great Princes; yet there is no such despondency in the good party, but sufficient vigor yet remaining not onely to subsist, but to rise, and flourish again. And one of those Kingdoms which are in his Majesties possession having wrought great effects in the affairs of *Europe*, even when counter-ballanced by the other two, doth demonstrate what may be done by the joynt forces of all three together, especially when the peoples affections are raised to the enterprize. Thus did the *Palsgraves* Counsels dissent from our Kings Proposals.

And there were not wanting, both of the Kings Counsel at home, and of his Agents in Foreign parts, such as frequently warned him of the disappointment and dishonor that would follow those ways of Treating with implacable, though flattering Enemies; and shewed him the sure and honorable way of reestablishing his Children in their Patrimony; not by their Enemies curtesie, but by the united strength of the Protestant Arms in all parts of Christendom, of which party, the King might have made himself the Head and great Commander.

In the languishing, and almost expiring Condition of the Spanish Treaty, the United Provinces in the *Netherlands*, appeared ready to embrace the opportunity of renewing the antient Union with *England*, in

all

The *Netherlands* appear ready to embrace the antient Union with *England*.

all mutual confidence, and strong assurance. And the King was moved to return to those old Confederates, the surest supports of his Crown and Family: For it hapned that in latter times, a distrust and strangeness had grown betwixt them. *Bernerselt* and the *Arminian* Faction had drawn the States to new Alliances, and commonly procured Answers to be given to King *James*, and his Ministers, in a harsh and peremptory stile. In like manner the King did not care to own them fully, esteeming them an evilexample for a Monarch to cherish. Nevertheless, he did them many good turns worthy of acknowledgment, and particularly in opposing the Faction of *Arminius* and *Vorstius*, and the rest of that sort, who caused great distractions in the Belgick Church and State: Nay, he was thought to have done more then requisite, in rendering the Cautionary Towns, and in conniving with too much patience at the insolencies and misdeemeanors of their Mariners. But the Prince of *Orange* expressed good will to an intire friendship with *England*, and assured the English Resident at the *Hague*, That whensoever the King would be to those Provinces, as Queen *Elizabeth* was in her time, they would be the same to him, as they had been to Queen *Elizabeth*: But as yet they keep themselves reserved, because they suspect that the Introductions, and Tentatives to a Union with them, have been to no other end, but to inlear the English Merchandize, and to inhaunce its price to the King of *Spain*: For they conclude, that *Spain* will never Match with *England*, but for hope, or fear; hope of reducing those Provinces by the Match, or fear, if the Match proceed not, that the King will joyn with the Provinces in opposition to *Spain*; and in either of these cases they hold the Match as made: As for themselves, they represent this assurance of a firm Conjunction; for that instead of giving an ear to Overtures and Concessions, which from day to day were presented to them, they have put themselves to the Offensive, by preparing a strong Fleet, which is ready to set sail to the *West-Indies*, to the end they may at least interrupt the peaceable Annual return of the Gold and Silver of those parts, by which the House of *Austria* do continually advance their greatness. And this preparation, together with their Voyages into the *East-Indies*, will make them irreconcilable to *Spain*.

These enterprises were commended to the King, as approved by all good men, to be a principal means to cast down the fearful power of *Spain*: Onely it was too vaste a design for that little Countrey; but if the King were pleased thoroughly to close with them, their Affections and constant interest would so binde them to him, that he might absolutely dispose of them, and by their forces by Sea and Land, conjoynd with his own, be able to give the Law to *Europe*. And the present state of the Provinces might incite the King to this Conjunction. For the last Summer, if the Imperialists had joyned with the *Spaniards*, they had undoubtedly made an irruption into the borders of that State; and they are like to break in this next year, except some notable Turn shall intervene; and then our best Link for a Bond of Friendship is broken, and those Provinces of a strong Staff will become a broken Reed. Such Representations were made to the Court of *England*; but the Councils then prevailing were not propense to this Conjunction, and Interest, although we were then breaking with *Spain*, and the House of *Austria*.

About the beginning of *December*, when the Ratification came from the new Pope, Bonfires were made throughout all *Spain*, and the great Ordinance thundred out reports of joy: And that King to satisfie his Oath

The Ratification came from the new Pope; and when all is ready for the Marriage, then is the Match made by collection *England*.

An. 1623.

Oath made to the Prince of *Wales*, prepared for the Espousals, and a day was prefixed, and all things appointed for the Solemnity, according to the Magnificence of that Court. The *Infanta's* Family was settled, her Officers distinguished, and the beginning of *March* was the time for her journey into *England*. From the Prince's departure, she had applied herself to the learning of the English Tongue. The English Ambassadors carried themselves like Subjects towards her, as being their Masters Wife, or Spouse. Many rich presents had been prepared for her future Lord and Husband. And the Earl of *Bristol* had provided many costly Liveries for his Attendants in the Solemnity of the Espousals. But all things were instantly discomposed by the opening of the new commands from *England* to the Earl, which were to procure an intire surrender of the *Palatinate* and Electorate, before he move one step further towards the Contract.

In the Court of *Spain* there was great resentment of these new delays, and they discerned a breach towards: The *Infanta* gave over the study of English, and was no more stiled the Princess of *England*; but to the Demands from *England*, the King of *Spain* replied, That if a Treaty be set on foot, and the Emperor, and Duke of *Bavaria*, will not come to Terms of Conformity, he will joyn Arms with *England*, to recover the *Palatinate*: The *Spaniards* confessing the Demand just, but unseasonable, professed, the *Desponsorio's* past, the *Infanta* on her knees should have been a Suiter to the King to restore the *Palatinate*, making it thereby her act, and drawing the Obligation wholly to her. These offers did not satisfie, *Bristol* was called home, and all was dashed to peeces.

It was an amazement to the Christian World, that when the Match was brought to such perfection, the motion should be rejected by that side which pursued it with so much eagerness, and patience, as being the master-piece of all their designs.

In the latter part of this long tedious act, the *Spaniard* appeared real, but in the former part their reality was questionable: For our parts, the business shall remain as we finde it, a dark *Riddle* and *Mystery*.

Bristol sends his Apology to K. *James* for having demurred upon the new Instructions.

The Earl of *Bristol* having demurred upon the new Instructions, to prevent (as he desired) the embroiling of the whole Treaty, was to make his Apology to the King his Master, and for himself he thus pleaded, That he understood the *Infanta* was his yong Masters wife, or Spouse at least, and that both the King and Prince infinitely desired the Match. The powers were drawn by the intervention of both parties, the King of *Spain* accepting them, and the Prince legally delivering them, and they were deposited with him in trust, as the Ambassador of the King of *Great Britain*, with a Publick Declaration, how and when he was to deliver them; and this was drawn into an Instrument by the Secretary of State: According to this state of things, he appeals to any Censure which were the more prudent, honest, and dutiful way; whether to put a disgrace upon so great and worthy a Princess, who was to be his Masters Wife, and a scorn upon the King of *Spain*, by nominating a day for the Marriage, when the powers would be expired, and not at all to insist upon making good the Publick Trust reposed in him by two so great Monarchs, to the hazard and overthrow of so great and important a business; or contrariwise to represent to his Majesty the state of things in Truth and Sincerity, with his humble opinion of the wrong and disgrace to the *Infanta*, by deferring the Marriage, and of the indignity offered to the King

King of *Spain*, and the danger of the whole Treaty, by the detention of the Powers without the pretence of some emergent cause: And after all this, when his Majesty had declared his pleasure, there was ready an exact obedience. Wherefore in the confidence of his own innocencie, he professeth as great a confidence of his Majesties accustomed grace and favor.

Bristol being called home, acquainted the *Conde Olivares* with the Letters of Revocation, and desired withall to have a day assigned him to take his leave of the King. *Olivares* answered, That he had much to say to him by his Majesties order; and spake to this effect in the presence of Sir *Walter Aston*, and the *Conde Gondomar*: That the King had received large advertisements with what malice and rancor his Enemies did prosecute him, and how powerful they are in *England*; And in regard that the Envy which was drawn upon him proceeded from his earnest endeavors to accomplish the Match, and that the particular fault laid to his charge was in point of delivering the Proxies deposited in his hands, that his Majesty takes it to heart, and judgeth himself touched in his honor, if for this cause his Enemies shall prevail so far as to work his ruine or disgrace; And therefore he will write to the King of *Great Britain*, and send a particular Ambassador, if it be needful, to mediate for him; for that he had served his Master with that exactness and fidelity, which deserved not only to be assisted by all good offices, but to be rewarded and published: And his Majesty, for the example of his own Subjects, and for the encouragement of all such as should serve their Princes with the like loyalty, had sent him a Blank signed by himself, wherein he might set down his own Conditions both in point of Title and Fortune. And this he did in no wise to oblige another Princes Subject, but only to give encouragement to honest and faithful proceedings: And therefore he would not make these offers in private, but open and justifiable to all the world; and would accompany all that he should do with a Declaration or Patent, That what he had done for the Earl of *Bristol*, was for the fidelity wherewith he had served his own Master.

Hereunto the Earl made answer, That he was sorry and much afflicted to hear such language; And desired that they should understand, that neither this King nor *Spain* were beholding to him; For whatsoever he had done, he thought the same to be fittest for his Masters service and his own honor, having no relation to *Spain*; and that he served a Master, from whom he was assured both of justice and due reward; And nothing doubted but his own Innocencie would prevail against the wrong intended by his powerful Adversaries: And were he sure to run into imminent danger, he had rather go home and cast himself at his Masters feet and mercy, and therein comply with the duty and honor of a faithful Subject, though it should cost him his head, then be Duke or Infantado of *Spain*: And that with this resolution he would imploy the utmost of his power to maintain the Amity between the two Kings and their Crowns, and to serve his Catholick Majesty.

After he had taken his leave and was ready to come away, he had another Profer made unto him in private of Ten thousand Crowns to take with him in his purse, to make his way and go through with his troubles, if haply his own monies might be seised upon: And it was told him, no body should know it. Yes, said he, one would know it, who he was assured would reveal it to his Majesty, viz. the Earl of *Bristol* himself, and it would make him not so clear in his own heart as now he was; and so he refused the offer.

Olivares offers *Bristol* large Preferments in the Kings name, when he was to take his leave.

Bristols Answer to those Profers.

An. 1623.

The Spaniards
prepare for a
War with
England.

The Match was now truly broken, but as yet the breach was not declared, nor the Treaty quite fallen to the ground, but continued after a languishing manner in the hands of Sir *Walter Aston*. The *Spaniards* by all Advertisements from *England* were advised to expect a War, and accordingly they went seriously to work, and prepared themselves for what might happen; And *Aston* being there upon the place, conceived it high time that King *James* should resolve upon some course to allay the storm arising, or to go hand in hand with them in equal preparations. All that was left alive of the Marriage-business, was no more, then that those Jewels which the Prince had left at his Farewel were not yet returned: But if the Letter then expected from *England* brought no better Answer to their last Offer concerning the *Palatinate*, then such as they had hitherto received, they will return the Jewels, and declare the Marriage broken. For by this time they had received intelligence of the Princes treating a Marriage with a Daughter of *France*, the Lady *Henrietta Maria*. And so it was, that King *James* had lately sent the Lord *Kensington*, afterwards Earl of *Holland*, to enquire covertly whether the Match were feasible, before he would enter into a Publick Treaty.

The L. Kensington sent
Ambassador
into France to
feel the pulse
of that Court
touching a
Match, renders
an account of his
acceptance.

The Lord *Kensington* returned this Accompt of his Negotiation: That there appeared in the face of that Court an extraordinary sweetness, smoothness and clearness towards an Alliance with *England*; The Prince's herself was observed seldom to have put on a more cheerful countenance, then she had done the first night of his appearance in that Court; The Queen, though a Daughter of *Spain*, wished this Match more then that intended with her own Sister; And the Queen-mother who will have the chief stroke in the business, expressed her good will and favor, as much as might stand with her Daughters honor. For the *French* observe the aspiring of the King of *Spain* to the Monarchy of Christendom, and his approaches to the Kingdom of *France*, and his encompassing it on all sides; And they discern that an Alliance with *England* is the surest way to oppose the mightiness of that King: And upon the same accompt they promised brave assistance to the United Provinces, gave great encouragement to Count *Mansfield* and Duke *Christian* of *Brunswick*; A Gentleman of the Religion was sent to *Liege* to offer them the Kings protection, if that Town will seek it. Nevertheless they have not directly embraced this Overture of Marriage, because we have not as yet wholly abandoned the Treaty with *Spain*; lest they should lose the Friendship of a Brother-in-law, to gain another which may possibly fail them. But they say that their hearts are not capable of more content, then to see this Motion upon a Publick Commission, and all that may touch upon the way of *Spain* dissolved. Neither are they like to strain us to unreasonable Conditions in favor of the Roman Catholicks in his Majesties Dominions: For in that matter their Pulse beats so temperately, as to promise a good *Crisis* therein: And in case his Majesty be drawn to banish the Priests and Jesuites, and to quicken the Laws against other Catholicks, to keep a good Intelligence with his Parliament, yet they say, they hope he will not tie his hands from some moderate favor to flow hereafter from the mediation of that State, which is all they pretend unto for the saving of their honor, who otherwise would hardly be reputed Catholicks.

Thus the Lord *Kensington* having rendred an accompt of his diligence, advised to go on roundly with the Match, lest otherwise, though never so well affected, they be altered with the Arts of *Spain*: For (saith he)

un-

Jacobi 21.

undoubtedly the King of *Spain* will resolve, if possible, to oblige one side; And as the *French* do think he may please *England* with the restitution of the *Palatinate*, so we may think he will please the *French* with rendering of the *Faltoline*. But without the assistance of Parliament, and compliance with the people, the King could not go through with those weighty works which he was now to take in hand. Now the things which troubled the People, were set forth to the King in three particulars: As, *That for the Subsidies granted in the two last Parliaments, they received no retributions by B. ls of Grace: That some of their Burgeses were proceeded against after the Parliament was dissolved: And that when they have satisfied the Kings demands, he will nevertheless proceed to the conclusion of the Spanish Match.* Hereupon some of his nearest Council perswaded him to begin the work by removing the peoples Jealousies; and to cast away some crumbs of his Crown amongst them, and those crumbs would work miracles and satisfy many thousands. And whereas the aim of the former Treaties was the settling of an universal peace in Christendom, and since the malice of deceitful men hath crost those fair ways, abusing his Majesties trust & goodness, he must cast about and sail by another point of the Compass, whereby he might securely and easily attain to his noble and pious ends. The means whereunto were these: First, that his Enemies know the *Lyon* hath teeth & claws; Next, that he imbrace and invite a strict association and friendship with those, whom neighborhood, alliance, and common Interest of State and Religion had joined to him. Feb. 19. the Parliament began at *Westminster*: The King being set in the Throne, spake thus.

The King advised to call a Parliament.

I Have assembled you at this time, to impart to you a secret and matter of great importance as can be to my State, and the State of my Children; wherein I crave your best and safest advice and counsel, according as the Writ whereby you were assembled imports, *That the King would advise with you in matters concerning his Estate and Dignity.* And as I have ever endeavored by this & the like ways to procure and cherish the love of my people towards me, so do I hope, and my hope is exceeded by faith; for I fully now believe, that never any King was more beloved of his people: whom as you my Lords and Gentlemen do here represent, so would I have you truly to represent their loves all to me; that in you as in a true Mirror or glass I may perfectly behold it, and not as in a False glass that represents it not at all, or otherwise then it is indeed. Give me your free and faithful counsels in the matter I propose, of which you have often heard, the *Match of my Son*: wherein, as you may know, I have spent much time, with great cost, in long Treaties, desiring always therein (and not without reason hoping to have effected my desires) the advancement of my State and Children, and the general Peace of Christendom, wherein I have always constantly labored, depending upon fair hopes and promises. At the earnest instance of my Son, I was contented (although it was of an extraordinary nature) to send him to prosecute his desires in *Spain*, and for his more safety sent *Buckingham* (in whom I ever reposed most trust of my person) with him, with this command continually to be present with him, and never to leave him till he returned again safely unto me. Which he performed, though not with that effect in the business that I expected, yet not altogether without profit; For it taught me this point of wisdom, *Qui versatur in generalibus*, is easily deceived, and that Generality brings nothing to good issue; but that before any matter can be fully finished, it must be brought to particulars: For when as I thought the affair had been before their going, produced to a narrow point, relying upon their general propositions, I found when they came there the matter proved to be

The Kings Speech to the Parliament.

An. 1623.

“ so raw, as if it had never been treated of; the generals giving them
 “ easie way to evade, and affording them means to avoid the effecting
 “ of any thing.

“ The particulars that passed in the Treaty, I mean not now to disco-
 “ ver to you, the time being too short; I refer you to *Charls & Buckingham*,
 “ and the Secretaries Reports, who shall relate unto you all the particulars.
 “ And after that, *super totam materiam*, I desire your best assistance to ad-
 “ vise me what is best and fittest for me to do for the good of the Com-
 “ monwealth, and the advancement of Religion, and the good of my Son
 “ and my Grandchildren of the *Palatine*. And of our estate I know you
 “ cannot but be sensible, considering that your welfare consists in ours,
 “ and you shall be sure to have your share in what misery shall befall us:
 “ And therefore I need to urge no other Argument to you in this behalf,
 “ in offering me your wisest and surest Counsel and Furtherance. And
 “ I assure you in the faith of a Christian King, that it is *res integra* pre-
 “ sented unto you, and that I stand not bound nor either way engaged, but
 “ remain free to follow what shall be best advised.

“ To plant is not sufficient, unlets like good Gardiners you pluck up
 “ the weeds that will choak your labors: And the greatest weeds among
 “ you, are Jealousies; root them out. For my Actions, I dare avow them
 “ before God; but Jealousies are of a strange depth. I am the Husband,
 “ and you the Wife, and it is subject to the Wife to be jealous of her Hus-
 “ band: Let this be far from you! I can truly say, and will avouch it
 “ before the seat of God and Angels, that never King governed with a
 “ purer, sincerer, and more uncorrupt heart then I have done, far
 “ from all will and meaning of the least error or imperfection in my
 “ Reign.

“ It hath been talked of my remissness in maintenance of Religion,
 “ and suspicion of a Toleration: But as God shall judge me, I never
 “ thought nor meant, nor ever in word expressed any thing that favored
 “ of it. It is true, that at times, for reasons best known to my self, I did not
 “ so fully put those Laws in execution, but did wink and connive at some
 “ things which might have hindred more weighty affairs; But I never
 “ in all my Treaties ever agreed to any thing to the overthrow and dis-
 “ agreeing of those Laws, but had in all a chief preservation of that Truth
 “ which I have ever professed: And as in that respect I have a charitable
 “ conceit of you, I would have you have the like of me also. In which
 “ I did not transgress: For it is a good Horse-mans part, not always to
 “ use his spurs and keep strait the rein, but sometimes to use the spurs and
 “ suffer the reins more remiss; so it is the part of a wise King, and my
 “ age and experience in Government hath informed me sometimes to
 “ quicken the Laws with strait executions, and at other times upon just
 “ occasion to be more remiss. And I would also remove from your
 “ thoughts all jealousies, that I might, or ever did question or infringe
 “ any of your lawful Liberties or Priviledges; but I protest before God, I
 “ ever intended you should enjoy the fulness of all those that former
 “ Times give good warrant and testimony of; which, if need be, I will en-
 “ large and amplifie.

“ Therefore I would have you, as I have in this place heretofore told
 “ you, as *S. Paul* did *Timothy*, avoid Genealogies and curious Questions,
 “ and nice Querks and Jerks of Law, and idle Innovations; And if you
 “ minister me no just occasion, I never yet was, nor never shall be curious or
 “ captious to quarrel with you: But I desire you to avoid all doubts and
 “ hinder-

“hinderances, and to compose your selves speedily and quietly to this
 “weighty affair I have propos’d; for that I have found already, delays
 “have proved dangerous, and have bred distraction of this business; and
 “I would not have you by other occasions to neglect or protract it.
 “*God is my Judge*, I speak it as a Christian King, Never any waifaring
 “man that was in the Desarts of *Arabia*, and in danger of death for want
 “of water to quench his thirst, more desired water, then I thirst and desire
 “the good and comfortable success of this Parliament, and blessing upon
 “your Counsels, that the good issue of this may expiate and acquit the
 “fruitless issue of the former. And I pray God your Counsels may ad-
 “vance Religion and the Publick weal, and the good of me and my
 “Children.

Feb. 21. The Commons presented Sir *Thomas Crew* for their Speaker,
 who prayed an Excuse; which being denied, he made this Speech.

“**S**ince I cannot bring an Olive-branch in my mouth, as a sign of my
 “peace, and that God (in whose hands are the hearts of Kings) with-
 “out whose providence a sparrow doth not fall to the ground,
 “whom no man can resist, hath inclined your Majesty to cast your eye
 “of grace on me, and to confirm me in this place; I am taught in the
 “best School, that *Obedience is better then Sacrifice*; And will only say
 “with a learned Father, *Da Domine quod jubes, & jube quod vis*. Other-
 “wise I have great cause to be afraid of such a Charge, to be executed
 “before so great a Majesty, and in so great an Assembly, but that I hope
 “your Majesty will extend your Scepter of grace, as *Ahabuerus* did, to
 “sustain me in my fainting.

“Your Majesty is *Princeps Hereditarius*, descended from both the
 “Roses, and hath united both the Kingdoms: At your first entrance you
 “wrought a wonder in the Tumult of our Cares, and Cloud of our Fears
 “happening upon the death of the late Queen, by the bright beams of
 “your Sunshine; which a Poet elegantly expressed, *Mira cano, sol occubuit,*
 “*nox nulla secuta est*. There was a *David* in *Hebron*, and no *Ishbosheth* to
 “disturb your peaceable entrance, but the Acclamations of all your Sub-
 “jects and Commons concurring to express their great contentment.
 “This was no sudden flash of joy, but a constant blessing by the continu-
 “ance of the Gospel and true Religion, maugre the malice and hellish in-
 “vention of those who would have blown up all at once; but God laughed
 “them to scorn, and they fell into their own trap. These things I leave
 “to your Majesties Royal remembrance as a duty to be practised, and to
 “be expressed by our thankfulness to our holy God; for it is a good
 “thing to be thankfull: *Non est dignus dandis, qui non agit gratias*
 “*pro datis*.

“Since my designment to this place, I called to mind these Statutes
 “of late times, and find two of especial note: The first of 32 *H. 8.* which
 “was called *Parlamentum doctum*, for the many good Laws made for the
 “setling of Possessions: The other 39 *Eliz.* which by a reverend Divine
 “was called *Parlamentum pium*, because the Subjects thereby were en-
 “abled to found Hospitals without Licence of *Mortmain*, or *Ad quod*
 “*damnum*; And other charitable Laws which I omit, being not perpetual.
 “And I likewise called to mind many glorious offers made by your Ma-
 “jesty, and other good Provisions at the two last Meetings. Now your
 “Majesty hath stretch’d forth your Scepter to call us to you again, and
 hath

The King ap-
 proves Sir
Tho. Crew for
 Speaker, who
 made this
 Speech.

An. 1623.

"hath made a Declaration, that all jealousies and distractions might be removed, and the memory of Parliament-Nullities might be buried. And my desire is, that your Majesties influence may distill upon us, and you proceed in such a sweet harmony and conjunction, that *Righteousness and Peace may kiss each other*, and that *Mercy and Truth may meet*; and the World may say, *Ecce quàm bonum & quàm jucundum Regem & Populum convenire in unum!*

"And for perfecting of this work, the good Bills against Monopolies, Informers and Concealers may now pass, and receive strength with a general, liberal, and Royal Pardon, according to the bounty of the late Queen: That so this Parliament may be called *Felix, Doctum, & Pium*; which will be good to your Subjects, and no diminution to your Revenue, or derogation to your Prerogative, which in your Majesties hands is as a Scepter of gold, but in others hands is a Rod of iron. I need not speak in the praise of the Fundamental Common-Laws: *Veritas temporis filia*, Time hath sufficiently justified them. Monarchy is the best Government; and of Monarchies, those which are hereditary. The best supply of your Majesties wants is in Parliament, where the Subject is bound by his own consent; other courses of Benevolence come heavily. The Subjects enjoy the Gospel freely by your protection, and your Majesty may be safe in their Loyalty: Other safeties are but as *Ajax* his Shield, a weight rather than a defence. Their desire is, that the good Laws for Religion may be confirmed; and that the generation of Locusts, the Jesuites and Seminary-Priests, which were wont to creep in corners, and do now come abroad, may be by the execution of these good Laws, as with an East-wind, blown over the Sea. Our late Queen *Elizabeth* lived and died in peace; the Pope cursed her, but God blessed her: And so shall your Majesty, having God to your Friend, find safety in the Ark of true Religion, and when you are old and full of days, land you in Heaven; And then our hopeful Prince which sprang out of your own loins, shall sway that Scepter, which you must leave, to enjoy a Crown celestial: And God in his due time will restore the distressed Princess, her Husband and Royal Issue, to that Inheritance which is now possessed by the usurping sword of their Enemies. Whereof we are the more confident, because that Country was heretofore a Sanctuary in our distress, when Religion was here persecuted. *Cato* was wont to say, *Hoc sentio, & Carthago destruenda est*: But I say, *Hoc sentio, & Palatinatus recuperandus est*.

"The question was put to a *Lacedemonian*, Why their City wanted Walls? Who answered, *Concord* was their Walls. Your Majesty under God is a sole and entire Monarch, whose Walls are the Ocean without, and fortified within with a Wall of Brais, the bond of Unity and Religion: And happy is that place, of which it may be said as of *Jerusalem*, *It is a City at unity within it self*. Neither is your Government confined within the limits of this Kingdom, but extends it self to *Ireland*, where your Majesties care and pains in our late Imploiment gave divers provident Directions for the setting forth of Religion, the reforming of Courts of Justice, and inflicting punishment on the Disturbers of the Publick peace: And I was *Ocularis testis*, that you have made these ample Endowments of Churches out of your own Excheated Revenue, as will be to your honor in all posterity. But my desire is, as well in the beginning, as in all other our proceedings, our words may be *vera, pauca, & ponderosa*.

Therefore

A “ Therefore with your Gracious Favor, according to antient Pre-
“ dents, we are humble Suitors, That you would be pleased to allow our
“ antient Priviledges. And that for our better Attendance, our Persons,
“ Goods, and necessary Attendants may be free from Arrests; and that
“ we may have liberty of free Speech, not doubting but we shall confine
“ our selves within the limits of Duty. And because this great business
“ may give us occasion often to resort to your Majesty, That upon our
“ Publick Suit you will be pleased to give us your own fit time of access:
“ And that all our actions may have a benign interpretation, and a good
“ acceptation and opinion.

“ Lastly, That I may not onely be a Speaker, but an humble Suitor,
“ protesting by the great God, by whom Kings do reign, That whatso-
“ ever I have said, hath proceeded from a Loyal Heart, I therefore de-
“ fire that may be covered with the vail of your Gracious Confirmation,
“ or acquitted by your Gracious Pardon.

B The King having referred the whole business of the Spanish Match
to the Advice of Parliament, the Duke of *Buckingham* made to both
Houses in the Pallace at *Whitehal*, a long Narration of all the Trans-
actions in *Spain*, which was accompanied with the Princes Attesta-
tion.

C In the Narration it self his Grace observed Six distinct and several
parts. The first was, the Motives of the Prince his Journey to *Spain*.
The second, the Treaty of the Marriage set on foot in *Spain*, severally
and by its self. The third, the Treaty of the Marriage and Restituti-
on, united together by a Reciprocal Subordination. The fourth, the
Prince his Highness return from *Spain*. The fifth, his Majesties sub-
sequent proceedings in both the Treaties, since the return. The last
was, the stating of the Question, *super totam materiam*, wherein
both the Houses were to offer unto his Majesty their humble Advice
and Counsel. Of these parts his Grace spake very distinctly and
orderly.

The Dukes
Narrative.

I. The Motives to the Princes Journey to *Spain*.

E T He Negotiation of Master Chancellor of the Exchequer with the
Arch-Dutchess, which ministred unto his Majesty the full reason
of Jealousie, and made a kinde of discovery of the Spanish
indirect dealing with this State: Then was read the aforementioned Let-
ter of the Third of *October*, 1622. from the King to the Earl of *Bristol*,
wherein *Bristol* was required to let the King of *Spain* know, how sensible
King *James* was of the Emperors proceedings towards him; and that he
should demand of the King of *Spain* a promise under Hand and Seal,
that *Heidelberg* should be delivered within Seventy days after Audience,
and the like for *Manheim* and *Frankendale*, if they be taken; and if this
be denied, to press to have leave to march through the King of *Spains*
Territories with an Army, for the recovery of his Childrens Patrimony;
and that the King of *Spain* should assist us with his Forces.

F The Duke desired the Houses to take for truth what ever he should
say, granted and attested by the Princes presence; and declared, That
this

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this Letter was not put home to the uttermost by *Bristol*. Hereupon a Dispatch was sent away to my Lord of *Bristol*, expressly commanding him to press his Directions more home then yet he had done, and in case he should be denied or delayed by the King of *Spain*, then to take his leave, and come away: This was not so fully exacted by my Lord of *Bristol*.

Porter that carried these Letters was commanded not to stay above Ten days, who after he had been there some Four or five days, and saw nothing towards a Dispatch, went himself to the *Conde Olivares* (having been his Creature) and desired him that he would speed his Dispatch; *Olivares* asked him what he would have? who replied, No more then what had been formerly promised; that in case the Emperor should deny the Restitution of the *Palatinate*, the King of *Spain* should assist our King by Arms to recover it, or else give way to our Forces to March thither, through his Countrey. *Olivares* replied, That this was a preposterous demand; What to assist with Arms against the Kings Uncle, and the Catholick League? *Porter* speaking to him of the Marriage of our Prince with the *Infanta* of *Spain*, he told him, That he understood not a word of it.

Porter acquainting *Bristol* herewith, he said, He would call *Olivares* to an account, if he held this Language with him, and would make him understand, That an Earl of *England*, was as good a man as a *Conde* of *Spain*. But sending for *Porter* the next morning, he changed his resolution, and concluded to carry the business more calmly, and said the *Conde* was so reserved, because he was shie and dainty to report those Mysteries with that freedom to him, who was not qualified as a Publick Minister. The *Conde* was angry with *Porter* for communicating what he said to *Bristol*. Mr. *Porter* returned with a Dispatch fraught with Generalities, without any one particular or certainty at all made in relation to the Prince's Highness; who thereupon took his resolution to go in person to *Spain*, and gave himself these Reasons for the enterprise.

He saw his Fathers Negotiation plainly deluded, Matters of Religion gained upon, and extorted; his Sisters cause more and more desperate; and that this was the way to put things off or on; and that in this particular, delay was worse then a denial; and that according to the usual Proverb, *A desperate disease, must have a desperate remedy*.

Hereupon the King commanded the Duke to accompany his Highness in his Journey.

II. The Treaty of the Marriage severed, and by it self.

VWhen the Prince had arived at *Madrid*, the *Conde* gave him a visit, magnified exceedingly the Princes journey, amplified the Obligations his Highness had put upon that King; and said, That now without all peradventure it must be a Match, and we must part and divide the whole World between us.

The next day the *Conde* taking the Duke into his Coach, and Mr. *Porter*, for his Interpreter, falling into discourse of the Match, he said unto the Duke, Let us dispatch this Match out of hand, and strike it up without the Pope: The Duke answered, He liked the manner very well, but

but desired to understand the Means. The Means, quoth the *Conde*, is very easie; it is but the Conversion of the Prince; which we cannot conceive but his Highness intended upon his Resolution for this Journey.

A The Duke answered forthwith, That with freedom they came thither, and with freedom they would return again; they were no Juglers, neither came they to *Spain* to make new bargains: That the Prince was settled in his Religion; his Conscience was troubled with no scruples in that kinde: If they struck any more upon that string, they would mar all the harmony. Then said the *Conde*, there is no way but to send to *Rome* to hasten the Dispensation; to which the Duke assented. Hereupon the *Conde* wrote his Letter to the Cardinal *Lodovisia*, the Popes Nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this Postscript, *That now the Prince being arrived, must not be sent back without a Wife; that delay to a Suitor, is a kinde of refusal; that Clogging Instructions would amount to a denial, and new Conditions to an absolute breach.* The *Conde* fell into Choller, said directly it could not be done. This the Prince affirmed to be acted in his presence: But the Earl of *Bristol* made a more benign construction thereof, the Duke a right-down conclusion, That this people never intended either Match or Restitution; and so wished his Highness fairly at home again: However the Messenger was dispatched to *Rome*.

C Four or five days after his Highness was placed to see his Mistress in her passage through the streets, as she made her visits from Church to Church: But pressing for access, he was delayed, but at last obtained a visit: But a very strange one! He was not suffered to speak unto her, but as they had set it down in words and syllables in writing, saying, They were no Astrologers, and could not foresee the event of this Marriage; and therefore they resolved to admit him as a Prince onely, and not as a Suitor. But the *Conde* salved this up with a Complement, That if the Dispensation were once returned, he should lie with her even that very night; nay, have her he should upon any terms. If he could not be qualified to enjoy her as a Wife, yet he should have her as a Mistress.

D Soon after riding in a Coach, it was urged by the *Conde*, That the *Infanta* was of a tender Conscience, and if she should come into *England*, and finde the Prince an enemy to her Religion, it would quite dishearten her. His Highness consented to hear her upon this subject, because he was as like to convert her, as she was to pervert him. A Conference with Divines was pressed upon his Highness, which he refused, and said, If after Disputation with them, they should not prevail against a yong man, they would remain much disgusted and ill-affected to the whole Negotiation. This kinde of importunity was still used toward the Prince, till the return of the Dispensation.

E Six weeks after the Princes arival came the Dispensation; but his Highness understood from *Rome* by Mr. *Gage*, that the Dispensation was returned much clogged in Matter and Manner, especially with the annexed new Condition. The King of *Spain* before the receiving of the Dispensation, was to take an Oath to see all the Articles performed, whereupon Faculty was issued, really performed, or else to make War in case of any failer upon the King of *England*.

F His Highness signified his Resolution unto them, that he neither could nor would adde or alter any thing of the first Articles sent to *England*.

A *Juncto* of Divines are appointed to meet and consider, whether the King might safely take the Oath. By this time the Prince had gone

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through all the Articles, sitting in person with the Committee; onely leaving three undiscussed, That of the Church, that of the Nurse, and that of the Education of the Children; which his Highness reserved till he should speak with the King. Then said the *Conde*, Now the business is in a better way then ever it was, a Match, and without more ado she was his Wife.

But the next day came *Gondomar* and spake unto the Prince of the same Match, as of a new thing, and told him plainly, That unless his Highness came to all the Conditions of the Dispensation as they were sent from *Rome*, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of false *Latine*. Whereupon his Highness was justly distasted, and offered to break. Then they pressed the Prince, that he would be pleased to stay twenty days, until the King of *Spain* might receive an Answer from *England*. The Prince resolved to stay, upon condition that Sir *Francis Cottington* might be dispatched away within two days, and some Messenger that might overtake him with the Articles that should be sent after, as soon as ever they could be made ready: But the two days of their hammering spun out to twenty; at the end thereof they brought them with new Additions.

The Articles being at last sent to *England*, the *Juncto* of Divines delivered their opinions, that the *Infanta* could not be sent over before the Spring; at which his Highness was offended, but the *Conde* prevailed with him to stay until their Ambassadors should certifie out of *England*, that the Articles were assented unto by King *James*, and put in execution, and then the Lady should go with the Prince.

The Bishop of *Segovia* was pleased to say to the Duke, That he had heard something of the State of our Kingdom, and had received it from good hands; That our King could not make a Toleration without a Rebellion, and easily believed it; because the King of *Spain* is not able in his Dominions to effect the like enterprize, without incurring the like danger; therefore he concluded, it was unsafe to send the Lady thither at this time, because we having granted as much in effect as a Toleration, it was very probable she should be welcomed with a rising and rebellion. To which the Duke replied, That if the favors which the King his Master had exhibited to his Catholicks at the Mediation of that King, and the Advice of that very Committee, of which that Bishop was one, be of so dangerous a consequence; it seems their Lordships, who gave the Advice for that Article, though they pretended Religion, intended plain and open Rebellion. But you must know quoth the Duke, if his Highness had been of my Lord Bishops opinion, That these Conferences had amounted to a Toleration, he had never accepted of these Articles to have gained any allowance: For what was agreed unto, was but a Temporary Suspension of Penal Laws, but no Toleration; for that could not be done, but by consent of Parliament. Then *Gondomar* hereupon said, That for his part, he did not hold it fit to send the *Infanta* thither, before the Articles be perfectly put in execution. And *Gondomar* privately infused to the Prince his Highness, being incensed against the Duke, That the Duke was in heart, (as he said all his Kinred were) a *Roman* Catholick; and he said to a Jesuite of great account and zeal in those parts, That the Duke was a most obstinate, perverse, and refractory Puritan.

About this time it was reported that the Prince intended to steal away, whereupon they laid in wait to intercept him: Hereupon the Duke

was

was sent to tell them, That although they had stoln thither out of love, 21 *Jacobi.*
they would never steal thence out of fear.

About this time the Prince sent a Message to his Father, That if he should receive any Advertisement, that he was detained by that State as a Prisoner, he would be pleased for his sake, never to think upon him any longer as a Son, but reflect upon the good of his Sister, and the safety of his own Kingdoms.

III. The Treaty of the Match and Restitution, reciprocally subordinated.

IT is fit to observe this passage, which is the thing whereupon all his Highness subsequent Actions are turned and moved. He had never staid a sevendnight longer in *Spain*; he had never left any Proxy with *Bristol*; he had never taken any Oath at the *Escorial*; or ever so much as written a Letter of Complement to the Lady; but that he had still before his eyes, as his Cynosure, the Promise made by the *Conde*, for the Restitution of the *Palatinate*.

To hasten the Delivery of the Lady, the Duke presented unto the *Conde*, how his Master was now in years, the Prince his onely Son; and he would suffer in Honor and Reputation, to return home without his Wife. The *Conde* consented hereunto, and desired the Prince would name a day for his departure.

This news came to the *Infanta*, who seemed to be Apprehensive of the Princes going away, and prevailed with his Highness to return this Complement unto her, That rather then he would give her *Alteza* any disgust, he would stay for her seven years.

By this time Sir *Francis Cottington* is arived with all things perfected by the King, and Letters from the Ambassadors of full satisfaction, and a command from the King to his Highness, to make his return within one moneth.

Now began the *Conde* to enter into the Treaty for the Restitution of the *Palatinate*, saying, The Lady should by no means go to *England*, before that business was accommodated. And it was projected, That there should be a Restitution of the Land to the Prince *Palatine*, upon a Condition of Marriage with the Emperors Daughter, and that he should be bred in the Emperors Court. The Prince demanding of the *Conde*, whether in case the Emperor proved refractory, the King his Master would assist him with Arms to reduce him to reasonable terms? The *Conde* answered Negatively, because they had a Maxim of State, that the King of *Spain* must never fight against the Emperor; for they would not employ their forces against the House of *Austria*.

Hereupon his Highness made his Protestation to the *Conde*; *Look to it Sir, for if you hold your self to that, there is an end of all; for without this you may not relie upon, either Marriage or Friendship.*

By this time the Prince is grown cheap and vulgar in the Court of *Spain*, so that they will scarce bestow a visit upon him, and the *Conde* came very seldom to him: And two Letters came to the Dukes hands, which shewed, that all that the *Conde* did, was nothing but flashes and lightning; notwithstanding he seemed at this time to be in a good humor, and told the Duke, That now certainly it must be a Match, and the Devil

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could not break it: The Duke replied, He thought so, and the Match had need be very firm and strong, it had been seven years in Soadering. The *Conde* denied, and said plainly, it had not been really intended seven moneths; and said, I will fetch that out of my Desk, that shall assure you thereof; and so produced two Letters, the first was written with the King of *Spains* own hand, Dated the Fifth of *November*, 1622. And the other from the *Conde Olivares* of the Eighth of *November*, 1622. Both which Letters are mentioned before.

IV. The Princes return from *Spain*.

And now the Prince returning for *England*, being engaged to leave his Proxy, did deposite the same in the hands of the Earl of *Bristol*, who was to keep it, and use it as his Procurator; that is, As he should receive his Highness Direction from time to time: His words for the present were (said the Duke) That if the Confirmation came from *Rome* clear and intire, (which it did not) then within so many days he should deliver it to the King of *Spain*.

The second Direction sent to him, was by a Letter which his Highness sent him, between his departure from the *Escorial*, and coming to the Sea side, to this effect, That for fear a Monastery should rob him of his Wife, he should stay the delivery of the Powers until the doubts were cleared; and that his Highness would send him in the Premisses some further Directions: Here because my Lord of *Bristol* in his Letter of the First of *November*, 1623. doth press so vehemently the Prince his Highness concerning this Proxy, and the Prince vowed openly before both Houses, that he had never by Oath or Honor engaged himself not to revoke the Powers, more then by the clause *De non revocando Procuratore* inserted in the Instrument it self, and that he conceived the clause to be matter of Form; and although Essentially of no binding power, yet usually thrust into every such Instrument; and that the Civilians do hold, That it is lawful by the Civil and Canon Law, for any man to revoke his Proxy of Marriage, notwithstanding it hath the clause *De non revocando Procuratore* inserted in it. Therefore as to this point the Duke concluded, That the Earl of *Bristol* in charging this matter so highly on the Prince, had much forgot himself.

V. The Subsequent proceedings of his Majesty in both the Treaties, since the return of his Highness.

The Prince by the Mercy of God came to *Royston*, and made his Relation to the King of all that had passed. His Majesty was glad, and told him, That he had acted well the part of a Son; and now the part of a Father must come upon the Stage, which was to provide with all circumspection, That his onely Son should not be married with a Portion of Tears to his onely Daughter. And therefore his Majesty commanded by an express dispatch, the stay of the Proxy in the Earl of *Bristols* hands, until he had some better assurance of the Restitution of the *Palatinate*.

Then was read his Majesties Letter to the Earl of *Bristol*, dated the Eighth

Eighth of *October*, 1623. wherein the Earl of *Bristol* was positively required by the King, That before he deliver the Powers, or move to the Contract, to procure from the King of *Spain* a direct Restitution of the *Palatinate*, and the Electoral Dignity, or to assist with Arms within a time limited.

A You would perceive that by this Dispatch, *Bristol* would lay hold on all hints and emergent occasions to put off the *Desponsorios* without this required Assurance by Arms first obtained ; but the truth is, he did not so.

B For first, the Confirmation came from *Rome* clogged and mangled ; and instead of challenging thereupon, he labors with no small strength of wit to hide and palliate the same.

B Secondly, In the Temporal Articles, the Portion was altered, Six hundred thousand pounds in ready cash, to some Eighty thousand pounds in money, and a few Jewels, and a Pension of Two thousands pounds *per annum*. Instead of quarrelling this main alteration, he seems to approve and applaud the payment.

C Thirdly, For the Assurance of Restitution of the *Palatinate*, the main Foundation both of Match and Friendship, he is so far from providing for it before (which was the Method prescribed him by the King) that he leaves it to be mediated by the *Infanta* after the Marriage.

C Lastly, Instead of putting off the Contract, as any man in the world (upon the Dispatch from *Royston*) would have done, he comes to prefix a precise day for the *Desponsorios*.

D Now from this rash fixing of the day for the *Desponsorios* in *Spain*, which was controlled again by an Express, from hence issued an unnecessary discourtesie put upon the King, and in a manner upon the *Infanta* by the Earl of *Bristol* : From that proceeded a greater affront put upon the Prince, the taking away the title *La Princefa* from the *Infanta*, and the debarring of our Ambassadors from any further Access to her person.

D Then was produced an Answer of the King of *Spain* to the Memorial of the Ambassador, implying a Refusal to assist by Arms for the recovery of the *Palatinate*, in case the Emperor consent not to a Restitution, which we have inserted in *series* of time:

E VI. The Stating of the Question *Super totam Materiam*.

F **T**His Question the Duke stated on this manner, Whether this being the full effect and product of all the Negotiation, which I have opened unto you, be sufficient, *Supertotam Materiam*, for his Majesty to relieve upon with any safety ; as well for the Marriage of his onely Son, as for the relief of his onely Daughter : Or, that these Treaties set aside, his Majesty were best to trust in his own strength, and to stand upon his own feet : So the Duke ended with this Conclusion, That if the bringing us from darkness to light, did deserve any thanks, we owe it and must wholly ascribe it to the Prince his Highness.

The Prince was present at this Narration, and assisted the Duke of *Buckingham* therein, and certified many particulars thereof ; and it being reported

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reported the same day to the House, his Highness approved thereof there also.

The Spanish Ambassador took great offence at the Dukes Relation, as reflecting upon his Masters Honor, and demanded his Head for satisfaction.

The House of Lords by a general Vote acquitted the Duke from the Accusation of the Spanish Ambassador, and justified his Relation, and intended to signify as much to his Majesty by a Committee of the whole House, That the Duke may be encouraged to proceed in his faithful service to the State: Unto which, the Commons so directly and fully answered, as if the two Houses had been Twins; and what one had said, thought, and done, the other had thought, said, and done the same. And the Commons desired to joyn with the Lords, in signifying this to his Majesty, which was done by the ensuing Address.

Both Houses
of Parliament
justify the
Duke in his
Narrative.

“Y Our Majesties most Loyal Subjects, the Lords, Knights, Citizens, and Burgeesses, Assembled at this time in both Houses of Parliament, being informed of a Complaint made unto your most Excellent Majesty against the Duke of *Buckingham*, That in the Narrative, which by your Majesties command, he made unto both Houses, the Four and twentieth of *February* last, he should let fall some passages, grievous to the Honor of the King of *Spain*, and inferred to be of so high a nature, as if the same had been delivered by any Subject of that King against your Majesty, it could not have been otherwise expiated then with the loss of his Head that spoke it: Taking this into their mature deliberation, and conceiving that this Accusation doth in an oblique manner fasten an Aspersion upon themselves also; do in all submission and humility make unto your Majesty a Threefold Representation: First, Concerning that great King; secondly, Concerning that eminent Lord; thirdly, Concerning themselves.

“First, Concerning that King, they do with an unanimous Vote of both Houses, absolutely acquit, and clear the Lord Duke from letting fall any words at all derogatory to the Honor of that King.

“For the second, That concerns my Lord, they do in the like humility attest unto your most Sacred Majesty, That if my Lord the Duke had omitted any matter represented unto them that day, he had for so much failed in the performance of that duty and fidelity which he oweth unto your Majesty, and to the business, and unto both Houses.

“For the last, which concerneth themselves, they make bold in like humility to represent unto your Majesty, That they do much honor my Lord the Duke for that Narration, and do render unto him all possible thanks, for that fidelity and industry expressed therein; and so without your further trouble, Do humbly beseech your most Excellent Majesty, to interpret fair of this their Representation, which they held themselves bound to offer unto your Majesty, for the clearing of so eminent a person, who as they verily believe, hath in this Negotiation, well deserved of your Majesty and the Commonwealth: So they heartily pray unto God to preserve your most Excellent Majesty.

To which Representation his Majesty returned this Answer.

“My

Facobi 21.

His Masters
Answer to
that Justifica-
tion.

A “ **M**Y Lords and Gentlemen all, I might have reason to speak no-
“ thing in regard of the person whereof you spake; but in regard
“ of your Motion, it were not civil: For if I be silent, I shall
“ wrong neither my self, nor that Nobleman which you now spake of,
“ because he is well known to be such a one, as stands in no need of a
“ Prolocutor, or *Fidejussor*, to undertake for his fidelity, or well carry-
“ ing of the business: And indeed to send a man upon so great an *Errand*,
“ whom I was not resolved to trust for the carriage thereof, were a fault
“ in my discretion scarce compatible to the love and trust I bear him. It
“ is an old and true saying, *That he is a happy man that serves a good Master*;
“ and it is no less truth, *That he is a happy Master that enjoys a faithful*
“ *Servant*.

B “ The greatest fault (if it be a fault) or at leastwise the greatest error;
“ I hope he shall ever commit against me, was his desiring this Justifica-
“ tion from you; as if he should have need of any Justification from
“ others towards me, and that for these Reasons.

“ First, Because he being my Disciple and Schollar, he may be assu-
“ red I will trust his own Relation.

C “ Secondly, Because he made the same Relation unto me, which he
“ did afterward unto both Houses; so as I was formerly acquainted both
“ with the matter and manner thereof: And if I should not trust him in
“ the carriage, I was altogether unworthy of such a *Servant*. He hath
“ no interest of his own in the business; he had ill thoughts at home for
“ his going thither with my Son, although it was my command, as I
“ told you before. And now he hath as little thanks for his Relation on
“ the other part: Yet he that serveth God and a good Master, cannot
“ miscarry for all this.

D “ I have noted in his Negotiation these three remarkable things,
“ Faith, Diligence, and Discretion, whereof my Son hath borne record
“ unto me; yet I cannot deny, but as he thought to do good service to
“ his Master, he hath given illexample to Ambassadors in time to come,
“ because he went this long journey upon his own charges. This would
“ prove an illexample, if many of my Ambassadors should take it for a
“ President. He run his head into the yoke with the people here, for un-
“ dertaking the journey; and when he there spent above Forty or fifty
“ thousand pounds, never offered his accompt, nor made any demand for
“ the same, or ever will. I hope other Ambassadors will do so no more.
“ I am a good Master, that never doubted of him; for I know him to
“ be so good a Schollar of mine, that I say without vanity, he will not
“ exceed his Masters Dictates: And I trust the Report not the worse he
“ made, because it is approved by you all; yet I believe an honest man,
“ as much as all the World, and the rather because he was a Disciple
“ of mine. And I am glad he hath so well satisfied you, and thank you
“ heartily for taking it in so good part, as I finde you have done.

F The Lords having debated those high Matters of State, which the
King put into their hands, delivered their opinions, That his Majesty
cannot with honor and safety, and with the conveniency of State and
Religion, proceed any further in the Treaty of the Princes Marriage,
nor relie any longer upon the Treaty for the recovery of the *Palatinate*;
in which Vote, the Commons concurred with them.

And in this manner both Houses Addressed themselves to the King.

May

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Both Houses
of Parliament
concur, that
the King may
not honourably
proceed in the
Treaty of the
Prince's Mar-
riage, and the
Palatinate.

May it please your most Excellent Majesty,

“ WE are come unto you, imployed from your most faithful Sub-
“ jects and Servants, the Lords and Commons assembled in
“ this present Parliament.

“ And first, They and we do give most humble and hearty thanks
“ unto Almighty God, that out of his gracious goodness he hath been
“ pleased now at last to dispel the Clouds and Mists which for so many
“ years have dimmed the eyes of a great part of Christendom, in the busi-
“ ness whereof we do now consult.

“ And secondly, We acknowledge our selves most bound unto your
“ Majesty, that you have been pleased to require the humble Advice of
“ us your obedient Subjects in a Case so important as this is, which hither-
“ to dependeth between your Majesty and the King of *Spain*. Which we
“ jointly offer from both Houses, *no one person there dissenting or disagree-*
“ *ing from the rest*. And it is upon mature consideration, and weighing
“ many particulars of sundry natures, that finding so much want of Sin-
“ cerity in all their Proceedings, We *super totam materiam* present this
“ our humble Address unto your Majesty; That the Treaties both for
“ the *Marriage* and the *Palatinate* may not any longer be continued with
“ the honor of your Majesty, the safety of your People, the welfare
“ of your Children and Posterity, as also the assurance of your antient
“ Allies and Confederates.

Reasons were also presented, to fortifie this Vote.

“ Whereas the Propositions of the *Match* were at the first no more
“ then *Liberty of Conscience* to the *Infanta* and her Family, which the
“ King might in honor grant; The *Spaniards* taking advantage of the
“ Prince's being in *Spain*, importuned a General Connivence of Religion,
“ to the diminution of the Kings Sovereignty, and against the usage of
“ other Catholick Princes in the like Treaties, and to the discourag-
“ ement of all his well-affected Subjects. And this they have labored with
“ the Pope, being of mischievous consequence. During this Treaty, the
“ Popish Faction hath mightily increased: And whereas heretofore they
“ were wont to be divided, some taking part with the *Secular Priests*, and
“ some with the *Jesuites*, they are united; which is a matter of great con-
“ sequence, considering they do as well depend on *Spain* for Temporal
“ matters, as on *Rome* for Spiritual: And they cannot be suppressed, as
“ long as the Treaty holds.

“ They have by this Treaty devoured our Allies, and the Protestant
“ party in *Germany* and elsewhere, to the decay of true Religion, and to the
“ jealousy of our Friends beyond the Seas. During this Treaty of *Love*,
“ they have spoiled his Majesties Son-in-law of his Lands and Honors;
“ and notwithstanding promises of Restitution, still invaded his Rights,
“ and at length turned pretended Difficulties into apparent Impossibili-
“ ties. They have deluded our *King*, and offered indignity to our *Prince*,
“ by importuning him again and again to a *Conversion*, contrary to the
“ Law of Hospitality, and the Priviledge of Princes.

“ The Insincerity of their Proceedings is to be seen by that former
“ Overture of Marriage for the late Prince *Henry*, which after many
specious

“specious Motions, was followed with a disavowing of their own Ambassador, and a scornful Proposition made to the King, of the Prince’s altering his Religion. As also by the Treaty of *Bruxels*, where the Lord *Weston* found nothing but Delays, and Deceit; and after divers peremptory Commands from *Spain* for his Majesties satisfaction, it wrought no other effect then the Besieging and taking of *Heidelberg*; insomuch that the Ambassador was forced to protest, and return.

“To these things were added, the Translation of the *Electorate* to the Duke of *Bavaria*, and the Letter of the King of *Spain* to Conde *Olivares*, with the Conde’s Answer, which imported that the Match was never intended. As also after the Prince had taken a hazardous Journey, they devised a shift by a *Juncto* of Divines, to let him come home without the *Lady*.

These Reasons were presented to the King by the universal consent of the House of Commons. Hereupon the King came to Parliament, and made a Speech deliberative, enquiring into the Condition of the War which they advised, and the means to uphold and carry it on.

My Lords and Gentlemen all,

“I Have cause first to thank God with my heart and all the faculties of my mind, that my Speech which I delivered in Parliament hath taken so good effect amongst you, as that with an unanimous consent you have freely and speedily given me your Advice in this great Business, for which I also thank you all as heartily as I can.

“I also give my particular thanks to the Gentlemen of the Lower House, for that I heard when some would have cast Jealousies and Doubts between me and my people, they presently quelled those motions, which otherwise might indeed have hindred the happy Agreement I hope to find in this Parliament. You give me your Advice to break off both the Treaties, as well concerning the *Match*, as the *Palatinate*: And now give me leave, as an *old King*, to propound my Doubts, and hereafter to give you my Answer.

“First it is true, that I who have been all the days of my life a peaceable King, and have had the honor in my Titles and Impresses to be stiled *Rex Pacificus*, should be loth without necessity to imbroil my self with War, far from my Nature, and from my Honor which I have had at home and abroad, in endeavouring to avoid the effusion of Christian blood, of which too much hath been shed, and so much against my heart. I say, that unless it be upon such a Necessity, that I may call it, as some say merrily of Women, *Malum necessarium*, I should be loth to enter into it. And I must likewise acquaint you, that I have had no small hope given me of obtaining better Conditions for the Restitution of the *Palatinate*, and that even since the sitting down of the Parliament: But be not jealous, or think me such a King that would under pretence of asking your Advice, put a scorn upon you by disdainig and rejecting it: For you remember, that in my first Speech unto you, for proof of my love to my People, I craved your Advice in this great and weighty affair; But in a matter of this weight, I must first consider how this Court may agree with my Conscience and Honor; and next according to the

The Kings Speech to the Parliament perswading him to break off the two Treaties of the Match and of the Palatinate.

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" Parable uttered by our Saviour, after I have resolved of the Necessity
 " and justness of the Cause, to consider how I shall be enabled to raise
 " Forces for this purpose.

" As concerning the *Cause of my Children*, I am now old; and as *Moses*
 " saw the Land of Promise from a high mountain, though he had not
 " leave to set his foot in it, so it would be a great comfort to me, that
 " God would but so long prolong my days, as if I might not see the
 " Restitution, yet at least I might be assured that it would be; That
 " then I might with old *Simeon* say, *Nunc dimittis Servum tuum, Domine,*
 " &c. Otherwise it would be a great grief unto me, and I should die
 " with a heavy and discomfited heart. I have often said, and particu-
 " larly in the last Parliament, and I shall ever be of that mind, That
 " as I am not ambitious of any other mens Goods or Lands, so I desire
 " not to enjoy a Furrow of Land in *England, Scotland or Ireland*, with-
 " out Restitution of the *Palatinate*: And in this mind I will live and
 " die.

" But let me acquaint you a little with the Difficulties of this Cause.
 " He is an unhappy man, that shall advise a King to War; and it is an
 " unhappy thing to seek that by *Blood*, which may be had by *Peace*.
 " Besides, I think your intentions are not to engage me in War,
 " but withal you will consider how many things are requisite there-
 " unto.

" I omit to speak of my own Necessities, (they are too well
 " known:) Sure I am, I have had the least help in Parliament of any
 " King that ever reigned over you these many years. I must let you
 " know that my Disabilities are increased by the Charge of my Son's
 " journey into *Spain*, which I was at, for his honor, and the honor of this
 " Nation: By sending of Ambassadors, by maintaining of my Children,
 " and by assisting of the *Palatinate*, I have incurred a great Debt to the
 " King of *Denmark*, which I am not able yet to pay.

" The *Low-Countries*, who in regard of their nearness are fittest to
 " help for the Recovery of the *Palatinate*, are at so low an ebb, that if
 " I assist them not, they are scarce able to subsist. The Princes of *Ger-*
 " *many* that should do me any good, are all poor, weak and disheartned,
 " and do expect assistance from hence. For *Ireland*, I leave it to you,
 " whether that be not a back-door to be secured. For the *Navy*, I thank
 " God, it is in a better case then ever it was, yet more must be done;
 " and before it can be prepared as it ought to be, it will require a
 " new Charge as well for its own strength, as for the securing of the
 " Coasts.

" My Children, I vow to God, eat no bread but by my means; I must
 " maintain them and not see them want. In the mean time, my *Customs* are
 " the best part of my Revenues, and in effect the substance of all I have
 " to live on; All which are farmed out upon that condition, That if there
 " be War, those Bargains are to be disannulled, which will enforce a great
 " defalcation.

" *Subsidies* ask a great time to bring them in: Now if you assist
 " me that way, I must take them up beforehand upon credit, which
 " will eat up a great part of them. This being my Case, To enter
 " into War without sufficient means to support it, were to shew my
 " teeth, and do no more. In the mean time I heartily thank you for
 " your Advice, and will seriously think upon it, as I pray you to consider
 " of those other parts.

" My

“ My *Treasurer*, to whose Office it appertains, shall more at large in-
 “ form you of those things that concern my Estate. Thus freely do I open
 “ my heart unto you: And having your *hearts*, I cannot want your *helps*;
 “ for it is the *heart* that openeth the *purse*, not the *purse* the *heart*. I will
 “ deal frankly with you: Shew me the Means how I may do what you
 “ would have me, and if I take a Resolution by your Advice to enter into
 “ a War, then your selves by your own Deputies shall have the disposing
 A “ of the Money; I will not meddle with it, but you shall appoint your
 “ own *Treasurers*. I say not this with a purpose to invite you to open your
 “ Purfes, and then to slight you so much as not to follow your Counsel,
 “ nor engage you before I be engaged my self. Give me what you will for
 “ my own means; but I protest, none of the Monies which you shall give
 “ for those uses, shall be issued but for those ends, and by men elected by
 “ your selves. If upon your offer I shall find the means to make the
 “ War honorable and safe, and that I resolve to embrace your Advice,
 B “ then I promise you in the word of a King, That although War and
 “ Peace be the peculiar Prerogatives of Kings, yet as I have advised
 “ with you in the Treaties on which War may ensue, so I will not
 “ treat nor accept of a Peace, without first acquainting you with it,
 “ and hearing your advice; and therein go the proper way of Par-
 “ liament, in conferring and consulting with you: And happily,
 “ the Conditions of Peace will be the better, when we be prepa-
 “ red for War; according to the old Proverb, That *Weapons bode*
 C “ *Peace*.

“ Your kind carriage gives me much content; And that comforts
 “ me, which my Lord of *Canterbury* said, *That there was not a Contrary*
 “ *voice amongst you all*; like the *Seventy Interpreters*, who were led
 “ by the breath of God. I am so desirous to forget all rents in former
 “ Parliaments, that it shall not be in my default, if I am not in love
 “ with Parliaments, and call them often, and desire to end my life in
 “ that entercourse between me and my people, for the making of good
 D “ Laws, reforming of such Abuses as I cannot be well informed of
 “ but in Parliament, and maintaining the good Government of the
 “ Commonwealth. Therefore go on cheerfully, and advise of these
 “ Points, and my Resolution shall then be declared.

Hereupon the House of Commons immediately took into confi-
 deration the matter of Supply: And Sir *Edward Sackville*, afterwards
 Earl of *Dorset*, spake thus to that Subject.

E “ S Ince *Supply* unto his Majesty is now in question, of which I hope
 “ there will be no question, I humbly ask leave of this Honorable
 “ Assembly to speak my Opinion; assuring you, That when a
 “ Treaty of *Grievances* shall be on foot, it shall appear I will not sit silent,
 “ if I find my self able to say any thing that may lend a hand to unload
 “ my Country of that heavy burthen it now groans under by reason of
 F “ the innumerable number of *Monopolies*, which like so many *Incubusses*
 “ and *Succubusses* exhaust the Vital spirits, and so press down those Parts
 “ which ought to enjoy free respiration, as without some speedy reme-
 “ dy is like to run to extreme hazard. But this I refer to its proper
 “ time, and reserve my self for it, and now proceed to the matter in
 “ hand.

Sir Edw. Sack-
 ville's Speech

An. 1623.

“Sure, I do think there are very few that serve in this House (if there be any) who do not confidently believe, that the chief Motive which induced his Majesty at this time to assemble this Parliament, was a meer Necessity to be by us enabled for the Recovery of the Patrimony belonging to the King of *Bohemia*, now almost traversed from him, and in the possession of a powerful Enemy. If there be any who doubt of this truth, I hope he may easily rest satisfied, when I shall assure him (out of my own knowledge) that many days before this Session, his Majesty commanded a select number of Noblemen and Gentlemen, the most part whereof have been Commanders in the Wars, and some yet are, to consult together of what Number of men an Army ought to be composed, which might be able to recover the *Palatinate*, and protect it from a second Invasion. These according to his Majesties good pleasure divers days met together at one appointed place, and there contributed their best endeavors: At least they have finished their task; advised the King of the Number of Soldiers; they have estimated the present Charge his Majesty must be at for the Relieving, Arming, Clothing, Munition and Habiliments of War; These have likewise calculated the Annual Expence for the maintenance of them.

“The first I will now inform you; And for the last Point, because of a greater Charge and Consequence, I will allow more time of Consideration. Twenty five thousand Foot, and Five thousand Horse, is the portion they all agree on; and less they could not consider to be sent, considering they were to combat with an Enemy so far from hence, already in possession of a great part of the Country, well fortified in many places, Master of an Army composed with Twenty thousand Foot and Four thousand Horse, most Veterane Soldiers, commanded by the best Captains now known in the Christian world, except the Prince of *Orange*; after whom to be esteemed second, is the highest praise: I say, all these respects duly weighed, there could not in their judgments be abated of this proportion: And this Army was framed on that mould which the Secretaries of State gave them of the Enemies strength.

“The issue of Battels is in the hands of God: The eyes of Humane providence cannot see beyond its horizon; It cannot ascertain future Contingents, it can only judge of what seems fit to be done, guided by the Rules of Probability and Reason. Events happen often contrary, and never more contrary then in matters of Warfare: Yet admit a sinister success to happen, a Counsel wisely taken ought not therefore to lose the due commendations.

“Sirs, I have told you the Number; You now expect to know the present Charge, in which I shall deal most truly with you. Believe me, His Majesty must disburse Thirty thousand pounds for provision of Necessities to furnish such an Army to be sent; The most part of the Provisions must be made beyond the Seas, for there Arms are best, and best cheap: This Army must (if such an Army) go by the end of *April*.

“It was God that said, *Let there be light, and it was so*: Kings (though they be stiled Gods) enjoy no such power, incommunicable to any Kings. Whatever their ends or desires are, they must allow time to the consummation of them: They be Sovereigns over us, but subject unto Time. But what need I add spurs to a forward horse? In my conscience, there are few Members in this House, that to that *Holy War*

(as

“ (as I may justly stile it) would not as willingly and as heartily contri-
 “ bute the service of their persons, as the assistance of their purses. I
 “ know I speak the Language of all your Hearts, let us shew our Faith by
 “ our works: Time was to have done much better then now we can;
 “ time is that we may do well; but if we attend somewhat longer, time
 “ will be past: So as all we do then will be so out of season, as it can pro-
 “ duce neither any great, nor any good effect. But stay, methinks I hear
 A “ some say, Why his Majesty told us, that by way of Treaty he hoped
 “ so to prevail, as the *Palatinate* should be restored. I confess I heard so
 “ to; and Heaven be pleased to crown his actions with success, as the
 “ pioufness of his intentions deserves. But I must be excused, if I doubt
 “ it, if I fear it, if I despair of it: For it is no article of my Faith to believe
 “ in Miracles. But suppose this might be brought to pass, what then, shall
 “ this gift of ours be lost, or cast away? No sure, it will be well bestow-
 “ ed, if as a Sacrifice of our thankfulness we offer it unto his Majesty, by
 B “ whose Wisdom that is regained; which certainly by any other course,
 “ must needs have exposed our persons to great danger, and our purses to
 “ much more expence. And in this we shall do as he that receiveth a rich
 “ present, and returns a small reward. Perhaps this way may not qua-
 “ drate with every mans concept; if not, then let this which his Majesty
 “ demands to make provision for a Foreign Army, be employed in rear-
 “ ing a Magazin here at home, since so great is the want of Munition, as
 “ I wonder we all cry out for want of Money, and never think how to
 C “ be stored of that, which of the two, is more necessary: Seeing by the
 “ one, we are onely enabled to live more plenteously and sumptuously;
 “ and by the other, our lives are preserved free from misery and slavery.
 “ In matters of moment, I know it is as laudable to use Deliberation be-
 “ fore a Resolution, as after that once taken, Celerity in execution.
 “ Council is the Compass by which all great Actions ought to be guided;
 “ it is the Stear by which wise men do shape their courses. I allow it, I
 “ commend it, I advise it; yet to be so slow, so discussive, so long in re-
 D “ solving, all we then can do, will be no more worth then a Physitian
 “ after death. Sure such a dulness, must needs accuse us of much weak-
 “ ness, if it admit of no worse construction, (*his dat qui cito dat*) freeness
 “ in giving graceth the gift; *dimidium facti qui bene cepit habet*. We have
 “ a long journey to go, and to set forward is half the way. How pressing
 “ the occasion is, my Tongue faints to tell, (*Vox faucibus hæret*) *The Foxes*
 “ *have Holes, and the Birds of the Air have Nests*; but the Daughter of our
 “ King and Kingdom scarce knows where to lay her head, or if she do, not
 E “ where in safety.
 “ Lastly, When we had no other object in our Contemplations, but
 “ the memory of her vertue (which remaineth in durable Characters in
 “ the heart of every honest man) what a forwardness and ferventness did
 “ we express in these our voluntary contributions, notwithstanding that
 “ some base, sordid, and avaritious men who adored their Mammon, de-
 “ terred men from that noble and pious work. They were then but Panick
 “ terrors, clouds cast before the Sun which now shines out so bright, as
 F “ all those mists are vanished. His Majesty calls to us for aid, he invites
 “ us to it, and he that was born to Command, now vouchsafes to en-
 “ treat us: Now if ever, now is the time to do our Country good. Do
 “ we desire to sweep all Grievances out of this Land? Do we desire to
 “ extinguish the care of them, that they may never more germinate in
 “ this Commonwealth? Do we desire to destroy those Spiders that spin
 “ this

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“ this Net? Now if ever, now is the time to effect it. And to arrive at
 “ this blessing, methinks I discover a plain and easie way; let us please
 “ the King first, and I speak it with Faith, He will be graciously pleased
 “ to reward us: Prove rich Merchants, and make a brave return. Great
 “ and generous spirits are then most apt to make requests, when first they
 “ have obtained their own. In the Region of Kings, the way to conquer is
 “ to submit; and nothing more obligeth an honest heart to perform what
 “ is expected, then to believe and trust in him.

“ This is the way to make his Majesty not onely love, but fall in love
 “ with Parliaments: This is the way to recal them home from exile, and
 “ again render them frequent amongst us: This is the way to fix this, un-
 “ til we have purchased present ease, and future happiness to our Coun-
 “ try. Let his Majesty have hearts ease amongst us, and we shall receive
 “ from his Royal Hand that *Dictamum* which must expel these Arrows
 “ that hang in the sides of the Commonwealth.

“ Thus have I delivered my opinion, which if it be not the same
 “ with every one here present, I shall beg that favorable censure which
 “ Charity commands me to afford to all. Let him believe, I have spoken
 “ my Conscience, as I shall of him, though he happen to dissent from
 “ my opinion: For from what Circumference soever the Lines be drawn,
 “ the Center is the same, which is our Countreys good; at which, the
 “ desire of every man ought to aim, and the duty of every man ought to
 “ desire.

“ He that would take another course, and have Grievances first pre-
 “ ferred; if he wished that out of a good to his Countrey, as unwilling
 “ to innovate antient proceedings; of this man I will onely say, *optime*
 “ *sentit Cato, sed nocet interdum Reipublicæ*: But if there be any other
 “ who out of a corrupt and imposthume heart, looking to false and
 “ foreign ends, would endeavor to put a Partition-Wall between the
 “ King and his people, this man I dare pronounce neither good Subject,
 “ nor good Englishman, nor good Christian; but the Agent of base
 “ and beggerly Promoters, needy and greedy Projectors, and a friend
 “ to those Monsters, which I hope have no Generation; who not born
 “ to any Fortune, nor having Vertue, nor Industry, by which they might
 “ hope to obtain any, yet like Harpies greedy to devour other mens
 “ Possessions, care not what way they take to become masters of them,
 “ sleighting the latter day of Judgment, so they may rest secured from
 “ yielding any account in this World.

“ I have no more to say, but that God would be pleased to incline
 “ our hearts to do that which may be most for his glory, next for the
 “ Kings service, then for the Countreys happiness.

To the Doubts which the King propounded, the Parliament gave
 Solution by a Committee of both Houses, in the Declaration following,
 delivered by the Archbishop of *Canterbury*, with this Introduction.

May it please your Sacred Majesty,

WE are come to you again, from your most faithful Subjects
 and Loyal Servants, the Lords and Commons assembled in
 this present Parliament.

And first, We humbly let your Majesty know, how much we hold
 our

A our selves bounden unto Almighty God, that he hath sent a King to rule and reign over us; who is pleased in the greatest and weightiest causes, to speak and to be spoken to in Parliament by his good and loving people, which causeth the King to understand them, over whom he beareth rule, and them again to understand him: And is a true Bond that tieth the heart of the Sovereign to the Subject, and of the Subject reciprocally to their Liege Lord and Sovereign. And next, we rejoyce that your Majesty hath shewed your self sensible of the insincerity of the King of Spain, with whom of late you have had a double Treaty; and of the indignities offered by them unto your Blessed Son, the Prince, and to your Royal Daughter. And that your Kingly heart is filled with an earnest desire to make Reparation to her noble Consort, and her self, of the Palatinate their Patrimonial Possession, which is agreeable to Justice, and to all Laws of God and Man.

B For the effecting whereof, to certifie with what alacrity, with what expediteness and uniformity of heart, both your Houses of Parliament, in the name of your whole Kingdom, have borne themselves unto your Majesty, with offer to give their Royal assistance, we have digested it into writing; lest by the verbal or vocal Deliberation of any person, it may miscarry; or the expression of our Zeal, be weakned or diminished. Which we humbly pray your Majesty to give leave to be read unto you.

Most Gracious Sovereign,

C **V**E your Majesties most humble and Loyal Subjects, the Lords and Commons in this present Parliament assembled, Do first render to your Sacred Majesty our most dutiful thanks, for that to our unspeakable comfort, you have vouchsafed to express your self so well satisfied with our late Declaration made unto your Majesty, of our general Resolution, in pursuit of our humble Advice to assist your Majesty in a Parliamentary way with our persons and abilities.

D And whereas your Majesty in your great Wisdom and Judgment, foreseeing that it will make a deeper Impression both in the Enemies of that Cause, and in your Friends and Allies, if they shall not onely hear of the cheerful Offers, but also see the real Performance of your Subjects towards so great a Work. Your Majesty was pleased to descend to a particular Proposition for the Advancing of this great business, We therefore in all humbleness, most ready and willing to give your Majesty and the whole World, an ample Testimony of our sincere and dutiful Intentions herein, Upon mature Advice and Deliberation, as well of the weight and importance of this great Affair, as of the present Estate of this your Kingdom (the Weal and Safety whereof is in our Judgments, apparently threatened, if your Majesties Resolution for the dissolving of the Treaties now in question, be longer deferred; and that Provision for defence of your Realm, and aid of your Friends and Allies, be not seasonably made) have with a cheerful consent of all the Commons (no one Dissenting) and with a full and cheerful Consent
F of the Lords, resolved, That upon your Majesties Publick Declaration, for the Dissolution and utter Discharge of both the said Treaties of the Marriage, and of the Palatinate, in pursuit of our Advice therein, and towards the support of that War which is likely to ensue, and more particularly for those four Points proposed by your Majesty; namely, For the Defence of this your Realm; the securing of Ireland; the

The Parliament offers his Majesty Three Subsidies and Three Fifteens, if he break off both Treaties.

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the assistance of your Neighbors; the States of the United Provinces, and other your Majesties Friends and Allies, and for the setting forth of your Royal Navy, We will grant for the present the greatest Aid which ever was given in Parliament: That is to say, Three intire Subsidies, and three fifteens, to be all paid within the compass of one whole year, after your Majesty shall be pleased to make the said Declaration, the Money to be paid into the hands and expended by the direction of such Committees or Commissioners, as hereafter shall be agreed upon at this present Session of Parliament.

And we most humbly beseech your Majesty to accept of these fruits of our hearty Oblation, dedicated to that work which we infinitely desire, may prosper and be advanced. And for the future to rest confidently assured, That we your loyal and loving Subjects will never fail in a Parliamentary way to assist your Majesty in so Royal a design, wherein your own honor, and the honor of your most Noble Son, the Prince, the antient renown of this Nation, the welfare and very subsistence of your Noble and onely Daughter, and her Consort, and their Posterity, the safety of your own Kingdom, and People, and the prosperity of your Neighbors and Allies, are so deeply engaged,

Herunto his Majesty replied.

My Lords and Gentlemen all,

His Majesties
Reply.

“ I Have nothing to say to the Preamble of my Lord of *Canterbury*, but
“ that he intimated something in it which I cannot allow of: For
“ whereas he said I have shewed my self sensible of the insincerity of
“ those with whom I had lately to deal, and of the indignity offered to
“ my Children: In this you must give me leave to tell you, that I have
“ not expressed my self to be either sensible or insensible of the good or
“ bad dealing. It was *Buckingham*s Relation to you which touched upon it;
“ by it you must not bar me, nor make *Jupiter* speak that which *Jupiter*
“ speaks not: For when I speak any such thing, I will speak it with that
“ reason, and back it with that power which becomes a King. As for the
“ matter of the Declaration unto my Demands, which you have couched
“ in that Paper, which I now heard read unto me, I confess it is without
“ example that any King hath had such an offer. And with your favor I
“ need fear nothing in this World, having so much the hearts of my people.
“ For the large offer of assistance, I hold it to be more then Millions
“ of Subsidies; and indeed it is an ample reward for the trust and freedom
“ which I have used with you

“ But my Lords and Gentlemen, you must give me leave on the one
“ side, to consider the possibility of the action: For in this case I must
“ do as a man that maketh a Fortification, which must have Out-works
“ and Inworks; so I must not deal onely with mine own people, but with
“ my Neighbors advice to assist me in so great a business for recovery of
“ the *Palatinate*. And in this case it is not sufficient to have the hearts of
“ my Subjects, without the help of my Neighbors and Allies; on the
“ other side, unless particular means be set down, it will neither be a Bridle
“ to our Enemies, nor a comfort to my Friends, who shall joyn with me.
“ General words will not carry it, therefore I must resort to particular
“ means, and follow the Counsel of our Saviour Christ in the Gospel,

“ before

“before I begin a War, to see how I can maintain it. God knows it is
 “a longsome work, yet I desire with *Moses*, as I said before, but to see
 “the Land of Promise, though I live not till it be recovered. But unless
 “particular means be discovered, it is little to the point: Therefore since
 “you give me such fair general promises, I will deal freely with you, I
 “will tell you in particular, the way I will propose, either by way of
 “Subsidies or otherwise; which being done in Parliament, is a Parliamen-
 “tary way. I would require you to be pleased to bestow upon me Five
 “Subsidies and Two Fifteens to every Subsidy for the War: And for
 “mine own necessities, my crying debts are so heavy, that no man can
 “bear them with a greater grief of heart, and sting of Conscience, then I
 “have done and do. And I now growing old, would be glad to see a means
 “for the satisfying of my debts, before I go out of the World. And for
 “this end, I desire you would give me one Subsidy and two Fifteens year-
 “ly, until my debts be paid.

Here the Prince his Highness taking notice of an Objection made, that this might seem contradictory to that which his Highness had told the Committee of both Houses, That the Kings Majesty would ask nothing for his own particular, till the Wars were provided for:

The Prince said, That the Duke of *Buckingham* in his absence hath moved this doubt unto the King.

Whereupon the Duke affirmed, That speaking with the King about it, his Majesty was pleased to say, If we would adde one Subsidy and two Fifteens to make it up Six Subsidies and Twelve Fifteens for the War, he was well content to quit that which he hath asked for his own necessities.

The King proceeded. “If this may be done, or that I may see a
 “fair way for it, I will follow your Advice; for I would never have asked
 “your Advice to reject it, or to put a scorn upon you: For the levying
 “of these Subsidies and Fifteens, I would have you consider how to
 “clear these two difficulties. If you levy them too suddenly, it may be
 “heavy for the people; if you stay too long, it will not serve the turn.
 “But this I leave to your consideration: And since I leave it to your selves
 “to receive the Money, and expend it by your own Committees of both
 “Houses, you may be the more secure. And yet I would not have you
 “to be too hasty in the levying of it, that no extremity be shewed to my
 “people by imposing too heavy a burthen upon them, which God forbid.
 “On the other side, the business will not suffer too long lingring about
 “it. I told you before, I had in this great business, to look to my Con-
 “science and Honor, as well as to the Means. For the Means, I must
 “have it from you; my Conscience and Honor is mine own, of which
 “I have thought, and do think daily. And how I shall be able to dis-
 “charge them as a King ought to do, yet not without taking help of your
 “Advice, which I would never have moved, unless I had meant to fol-
 “low it.

Here again the Prince, said he, had spoken with his Father, to know of him whether he were satisfied in Honor and Conscience, that he might in this case undertake a War; and that his Majesty answered, He was already satisfied and resolved therein; but for the manner of publishing it, he would take your Advice.

Then the Duke of *Buckingham* said, the reason why his Majesty used these words, was, That having formerly spoken of his Honor and Conscience, if he should now have left them out, it might have been thought

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that money onely had drawn him to it: But the King said, He was already satisfied, and resolved, yet would have your Advice for the manner of declaring of it.

The King again proceeded. "I told you before, that this was the way to make me in love with Parliaments, and to shew mine inclination to continue them still. My Resolution is to make this a Session for the passing of as many good Laws, as in convenient time may be prepared; and at *Michaelmas*, or within a few days after to have a new Session, and another at the Spring. And in the meantime, you may go down and acquaint your selves with the grievances of my people; and you shall see my care to make good Laws, and to reform abuses; that so my Subjects may finde the good fruits of Parliaments, and rejoyce in them. And I protest, as I have asked your Advice in these Points, which I needed not to have done; so I will never enter any Agreement or Treaty of Composition for Peace, which is the end of War (else it is unjust and unchristian) without your Advice; and I will help you my self, if we enter into a War, to make it allowable to the World, and Honorable for me.

The King declares his Resolution to dissolve the Treaties.

So the King resolved and declared his Resolution to dissolve the Treaties. Hereupon Bonfires were made in *London*, and the Bells rung for joy.

Then the Parliament made haste to pass the Act for the grant of three Subsidies, and three Fifteens, to be employed for the use aforesaid; and by the same Act, Treasurers were appointed to receive and disburse the Moneys, and a Council of War to manage the Design.

The King made the ensuing Declaration to both Houses of Parliament.

The King accepts the aid proffered him.

"MY Nobles and Gentlemen, the last time I spake to you anent this great business, I told you what in my opinion was necessarily required to the beginning of it. The Reasons whereof you have truly set down out of my last Speech, wherein I shewed you what good it would do, and what harm it might free us from; to express particular Aids at this time, as well as general Promises. It is true, I must confess that how far you declare your selves, is sufficient for the present entrance into the business, though a great deal short of what I told you it would require. But as God bears me Record, and I think the hearts of all my loving Subjects will testifie for me, I never did stick for Money, but onely desired you to clear your selves by particulars, that I may see how I may be able to go through so great a matter, at least to make a good beginning of the War; for what the end will be, God knows.

"So on the other part, I gave you thanks for your general offer, by which you did engage your selves in your Lives and Estates, which is more then Forty Subsidies, if you had named them, and more worth then a Kingdom; for the strength of a King, next under the protection of God, stands in the hearts of his people. And I must needs say in this particular, it is without example, that ever any Parliament for a beginning, gave to a King so great a supply to be levied in so short a time: This may well serve for a preparation. And for my part, first, considering your general offer, (which is ten times more to me then all Subsidies) and next considering that these particulars coming from you, be as much as at once you are able to pay in so short a time, being within a year, and as much as may be well expected: Therefore with as much love, and as great thanks, as a loving and kinde King can give
"to

"to so loving and dutiful a people. I thank you for your offer, and do accept it.

"I told you before, that I would never have craved your Advice to reject it, and so to put a scorn upon you: Think me not the Man.

"It is true, I think no wise King can undertake so great a bargain, but he must well be-think himself before-hand: And I account it better that a King advise well before he take a Resolution, then advise rashly, and after repent. Therefore, my Lords and Gentlemen, I declare unto you, That as I am willing to follow your Advice in the annulling and breach of the two Treaties, both of the Match, and of the *Palatinate*: so on the other part, I assure my self, you will make good what you have said, That what you advise me unto, you will assist me with your Wisdom, and Council, and Forces, if need require.

"I pray you have a charitable opinion of me, as you are to have of a King who hath so long ruled and governed over you, (and I may vaunt my self thus far to have done it with Justice and Peace.) But, as I told you before, all my forbearance hath been for sparing the effusion of Christian Blood, and as the most easie and probable way for recovering the *Palatinate* for my Children. It is true, I have been so long delayed, and paid with generals, that I dare not trust longer unto that which made me erre. The Duke of *Buckingham* made a particular relation unto you, of all that busiñess; and I am sure such an accompt was never before given in Parliament, that thereby you may know what to trust to. I could in this case have resolved my self, but I thought it could not but be both a strength and honor to me to have the Advice of my people.

"My Lords, in the late Parliament I then declared it unto you, that I was resolved without respect of Friendship, or Match, or whatsoever, to have the *Palatinate* one way or other: I hope you remember it.

"God is my Judge and Saviour, I never had any other end, and it is pittie I should live to have any other end; and for my part, except by such means as God may put into my hands, I may recover the *Palatinate*, I could wish never to have been born. I am old, but mine onely Son is yong, and I will promise for my self and him both, that no means shall be unused for the recovery of it; and this I dare say, as old as I am, if it might do good to the busiñess, I would go in mine own person, and think my labor and travel well bestowed, though I should end my days there. For if I should spare any means possible for the recovery of it, then let me not be thought worthy to Reign over you; and in good faith, I never resolved to live with other minde; and I will say more, there was never any Enemy of my Son-in-law, with whom I talked on of the busiñess, or any that I ever spake with of the same; which did not say, and confesse I had reason to have the *Palatinate*, one way or other: And when they say that it is good reason, and themselves allow it, it is a good spur to me to think on it.

"My Lords and Gentlemen, thus far assure your selves, I will go cheerfully about it, to prepare all things possible for it; and as you have given the means, so will I employ them toward it.

"In the next degree, I hope you will think of me, but that I leave to your own Counsel and Consideration. But I protest to God, a penny of this Money shall not be bestowed but upon this Work, and by your own Committees; and I assure my self, you will think of me for a double Reason. My Customs are likely to fall, by occasion of the

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“ War, and my Charges increase; but undertaking the War, I must
 “ go through with it one way or other, though I sell my Jewels and
 “ all.

“ In the next Session you will consider how this hath been husbanded;
 “ and according to that, think what is next to be done; and it will spur
 “ you the more to enable me for the rest, whereof I spake to you
 “ before.

His Majesty further said, “ I will clear you in some things; for I will
 “ not deal with you in any thing, but fairly and clearly as a King: Though
 “ I have broken the *Necks of three Parliaments*, one after another, I hope
 “ that in this Parliament you shall be so resolved of the sincerity of my
 “ heart, and of your duties and affections, that this shall be a happy
 “ Parliament, and make me greater and happier than any King of *Eng-*
 “ *land* ever was.

“ In my last Speech I promised you, that if I accepted your offer, I
 “ would follow your Advice, and would not after hearken to any Treaty
 “ of Peace, without first acquainting you, and requiring your Advice;
 “ and I likewise promised nothing should be spent of your Moneys, but
 “ by your own Committees. But I desire you to understand, That I
 “ must have a faithful secret Counsel of War, that must not be ordered
 “ by a multitude, for so my designs may be discovered before hand; and
 “ one penny of this Money shall not be bestowed, but in sight of your
 “ own Committees. But whether I shall send Twenty thousand pounds,
 “ or Ten thousand pounds; whether by Sea or Land, East or West, by
 “ Diversion, or otherwise by Invasion upon the *Bavarian* or Emperor, you
 “ must leave that to your King.

“ Assure your selves, my delay hitherto was upon hope to have gotten
 “ it without a War. I held it by a hair, hoping to have gotten it by a
 “ Treaty; but since I see no certainty that way, I hope that God who
 “ hath put it into your hearts thus to advise me, and into my heart to fol-
 “ low your Advice, will so bless it, that I shall clear my Reputation from
 “ obliquy; and in despite of the Devil, and all his Instruments, shew
 “ that I never had but an honest heart. And I desire, that God would bless
 “ our labors for the happy Restitution of my Children; and whosoever did
 “ the wrong, I deserved better at their hands.

After this, the King purposing to signifie to the King of *Spain*, That
 his Parliament had advised him to break off the Treaties, and to re-
 cover the *Palatinate* by War: The notice of a sharp *Petition* against
 Popish Recusants framed by the House of Commons, and sent up to the
 Lords for their Concurrence, did a little stagger his Resolution, as ap-
 peareth by the following Letter written with his own hand to Secretary
Conway.

King James
 his Letter to
 Secretary
Conway, touch-
 ing a *Petition*
 against the
 Papists.

I Doubt not but you have heard what a stinging *Petition* against the
 Papists, the Lower House have sent to the Higher House this day, that
 they might joyntly present it unto me. Ye know my firm resolution not to
 make this a War of Religion; and seeing I would be loth to be Coney-catch-
 ed by my people, I pray you stay the Post that is going to Spain, till I meet with
 my Son, who will be here to-morrow morning: Do it upon pretext of some more
 Letters ye are to send by him; and if he should be gone, hasten after him to
 stay him upon some such pretext; and let none living know of this, as you love
 me.

me. And before two in the afternoon to morrow, you shall without fail hear from me, Farewell. 22 Jacobi.

James R.

The Petition which the King called a stinging one, was intended to be presented to his Majesty from both Houses in form as followeth.

May it please your most Excellent Majesty,

VVE your Majesties most humble and Loyal Subjects, the Lords and Commons in this present Parliament assembled, having to our singular Comfort received your Princely Resolution upon our humble Petition, to dissolve the two Treaties of the Match, and of the Palatinate; and having on our parts with all alacrity and readiness humbly offered our assistance to your Majesty, to maintain the War which may ensue thereupon: Yet withal sensibly finding what Seditious and Traiterous Positions those Incendiaries of Rome, and professed Engines of Spain, the Priests and Jesuites, infuse into your natural born Subjects; what numbers they have seduced, and do daily seduce, to make their dependance on the Pope of Rome and King of Spain, contrary to their Allegiance to your Majesty their Liege Lord; What daily resort of Priests and Jesuites into your Kingdoms; what Concourse of Popish Recusants, much more then usual, is now in and about the City of London; what boldness, yea, what insolency they have discovered out of the opinion conceived of their foreign Patronage; what publick resort to Masses, and other Exercises of the Popish Religion, in the houses of foreign Ambassadors there is daily, to the great grief and offence of your good Subjects; what great preparations are made in Spain, fit for an Invasion, the bent whereof is as probable to be upon some part of your Majesties Dominions, as upon any other place; what encouragement that may be to your Enemies, and the Enemies of your Crown, to have a party, or but the opinion of a party within your Kingdoms, who do daily increase and combine themselves together for that purpose; what disheartening of your good and loving Subjects, when they shall see more cause of fear from their false-hearted Countreymen at home, then from their professed Adversaries abroad; what apparent dangers by Gods providence, and your Majesties wisdom and goodness they have very lately escaped, which the longer continuance upon those Treaties, upon such unfitting Conditions, fomented by your own ill-affected Subjects, would surely have drawn upon your Majesty, and your State; Do in all humbleness offer unto your sacred Majesty these their humble Petitions following.

The Petition.

I. That all Jesuites and Seminary Priests, and all others, having taken Orders by any Authority derived from the See of Rome, may by your Majesties Proclamation be commanded forthwith to depart out of this Realm, and all other your Highness's Dominions; and neither they, nor any other to return or come hither again, upon peril of the severest penalty of the Laws now in force against them; and that all your Majesties Subjects may hereby also be admonished not

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to receive, entertain, comfort or conceal any of that viperous brood, upon penalties and forfeitures which by the Lawes may be imposed upon them.

II. That your Majesty would be pleased to give freight and speedy charge to the Justices of Peace in all parts of this Kingdom, that (according to the Lawes in that behalf made, and the Orders taken by your Majesties Privy-Council heretofore for policy of State) they do take from all Popish Recusants legally convicted, or justly suspected; all such Armes, Gunpowder, and Munition of any kinde, as any of them have either in their own hands, or in the hands of any other for them, and to see the same safely kept, and disposed according to the Law, leaving for the necessary defence of their house and persons, so much as by the Law is prescribed.

III. That your Majesty will please to command all Popish Recusants, and all other who by any Law or Statute are prohibited to come to the Kings Court, forthwith under pain of your heavy displeasure and severe Execution of your Lawes against them, to retire themselves, their wives and families from or about London, to their several dwellings, or places by your Lawes appointed, and there to remain confined within five miles of their dwelling places, according to the Lawes of this your Realm: And for that purpose to discharge all By-pass Licences granted unto them for their repair hither; And that they presume not any time hereafter to repair to London, or within ten miles of London, or to the Kings Court, or to the Princes Court, wheresoever.

IV. That your Majesty would forbid and restrain the great resort and concourse of your own Subjects, for the hearing of Masse, or other Exercises of the Romish Religion, to the houses of foreign Ambassadors, or Agents, residing here for the service of their several Princes or States.

V. That where of late in several Counties in this Realm some have been trusted in the places of Lord-Lieutenants, Deputy-Lieutenants, Commissioners of Oyer and Terminer, Justices of Peace, and Captains of their Countreies, which are either Popish Recusants, or Non-Communicants by the space of a year now last past, or which do not usually resort to the Church to Divine service, and can bring no good Certificate thereof; that your Majesty would be pleased to discharge them from these places of trust, by which they have that power in the Countrey where they live, as is not fit to be put into the hands of persons so affected.

VI. That your Majesty would be pleased generally to put the Lawes in due Execution, which are made, and stand in force against Popish Recusants; And that all your Judges, Justices, and Ministers of Justice, to whose care these things are committed, may by your Majesties Proclamation be commanded to do their duty therein.

VII. That seeing we are thus happily delivered from that danger which these Treaties now dissolved, and that use which your ill-affected Subjects made thereof, would certainly have drawn upon us; and cannot but foresee and fear least the like may hereafter happen, and inevitably bring such peril to your Majesties Kingdoms: We are most humble Suitors to your gracious Majesty, to secure the hearts

hearts of your good Subjects by the engagement of your Royal word unto them; that upon no occasion of Marriage or Treaty, or other request in that behalf from any foreign Prince or States whatsoever, you will take off, or slacken the Execution of your Laws against the Popish Recusants.

A To which our humble Petitions, proceeding from our most loyal and dutifull affections toward your Majesty, our care of our Countries good, and our confident perswasion that this will much advance the glory of Almighty God, the everlasting honor of your Majesty, the safety of your Kingdom, and the encouragement of all your good Subjects: We do most humbly beseech your Majesty to vouchsafe a gracious Answer.

This Petition, after a Conference between both Houses, was reduced to another form, and so presented to the King.

B To which his Majesty returned this Answer.

My Lords and Gentlemen of both Houses,

C “I Cannot but commend your *zeal* in offering this Petition to me, yet
“On the other side, I cannot but hold my self unfortunate, that I should
“be thought to need a spur to do that which my *Conscience* and duty
“bindes me unto. What Religion I am of, my Books do declare, my
“profession and behavior doth shew; and I hope in God I shall never live
“to be thought otherwise; surely I shall never deserve it; and for my part,
“I wish it may be written in *Marble*, and remain to Posterity as a mark
“upon me, when I shall swerve from my Religion; for he that doth *dissemble*
“*with God, is not to be trusted with men.*

D “My Lords, for my part, I *protest* before God, that my heart hath
“bled when I have heard of the increase of *Popery*; God is my *Judge* it
“hath been such a great grief to me, that it hath been as Thorns in my
“Eyes, and Pricks in my Sides; and so far I have been, and shall be from
“turning another way. And my Lords and Gentlemen, you shall be my
“*Confessors*, that one way or other it hath been my desire to hinder the
“growth of *Popery*; and I could not be an honest man if I should have
“done otherwise. And this I may say further, that if I be not a *Martyr*,
“I am sure I am a *Confessor*; and in some sence I may be called a *Martyr*,
“as in the Scripture *Isaac* was persecuted by *Ishmael* by mocking words:
E “for never King suffered more ill *Tongues* then I have done, and I am sure
“for no cause; yet I have been far from persecution; for I have ever
“thought that no way more encreased any Religion then persecution, according to that saying, *Sanguis Martyrum est Semen Ecclesie.*

F “Now my Lords and Gentlemen, for your Petition, I will not
“onely grant the substance of what you crave, but add somewhat more
“of my own; for the two Treaties being already annulled (as I have
“declared them to be) it necessarily follows of it self, that which you
“desire, and therefore it needs no more; But that I do declare by
“*Proclamation* (which I am ready to do) that all *Jesuites* and *Priests* do
“depart by a day; but it cannot be as you desire by our *Proclamation*
“to be out of all my Dominions; for a *Proclamation* here extends but
“to this Kingdom.

“This I will do and more, I will Command all my *Judges* when they go
their

His Majesties
Answer to the
Petition.

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“their Circuits, to keep the same courses, for putting all the Laws in Execution against *Recusants*, as they were wont to do before these Treaties; for the Laws are still in force, and were never *dispensed* with by me: *God is my Judge* they were never so intended by me; but as I told you in the beginning of the Parliament, you must give me leave as a good horseman, sometimes to use the *Reins*, and not alwayes to use the *Spurs*: So now there needs nothing but my Declaration for the *disarming* of them, that is ready done by the Laws, and shall be done as you desired: and more, I will take order for the shamefull disorder of the resorting of my Subjects to all foreign Ambassadors; for this I will advise with my Council how it may be best reformed. It is true, that the houses of Ambassadors are priviledged places; and *Major* though they cannot take them out of their houses, yet the Lord and Mr *Recorder* of *London*, may take some of them as they come from thence, and make them examples; another point I will add concerning the education of their children, of which I have had a principal care, as the Lord of *Canterbury*, and the Bishop of *Winchester*, and other Lords of my Council can bear me witness, with whom I have advised about this business; for in *good faith* it is a shame their Children should be bred here, as if they were at *Rome*. So I do grant not onely your desire, but more. I am sorry I was not the first mover of it to you, but had you not done it, I would have done it my self.

“Now for the second part of your Petition, you have here given me the best advice in the world; for it is against the rule of wisdom that a King should suffer any of his Subjects to transgress the Laws by the *intercession* of other *Princes*: and therefore assure your selves that (by the *Grace* of *God*) I will be carefull that no such conditions be foisted in upon any other Treaty whatsoever; for it is fit my Subjects should stand or fall to their own Laws.

This Petition was furthered by the Duke of *Buckingham*, who still retained the memory of his ill-usage in *Spain*, and the Spanish Ambassador being netled thereat, accused him to the King, not without some reflection upon the Prince himself; with some difficulty they procured a secret entercourse with the King, and suggested unto him matters of near and high concernment to his Royal dignity and person. They tell him, that being besieged, and closed up by the Dukes Servants and Vassals, he was no more a freeman: That he was to be confined to his Countrey-house and Pastimes, the Prince having years and parts answerable for publick Government. That the Duke had reconciled himself to all popular men, such as *Oxford*, *Southampton*, *Essex*, *Say*, and others, and sought to raise an opinion of his own greatness, and to make the King grow less; and that all looked towards the *rising Sun*. Hereupon they advise the King to free himself from this Captivity, and eminent Danger, and to cut off so ungratefull an affecter of Popularity, and greatness, and so he should shew himself to be as he was reputed, the *oldest and wisest King in Europe*.

These secrets were quickly blown abroad, and brought to the Dukes Ear. But whatsoever impression the King received from them, the thing whereupon he insisted openly, was, the demand of particular proofs. But all their Answers consisted of Arguments against declaring the names of the Conspirators; whereupon the Kings Privy-Counsellors,

The Spanish Ambassadors accuse *Buckingham* to the King of matters of high concernment.

fellors, and other principal Subjects were examined upon oaths, and Interrogatories most pertinent to the Accusation were propounded to them; but this examination discovered nothing. The King turned again to the Ambassadors with new instances to make a clear discovery, but they still resolved to conceal the Authors.

A And it was alledged by their Partakers, and intimated to the King, that the things were such as could not be evidenced by Legal proofs, because the persons by whose testimony they may be confirmed, do for fear of a most potent Adversary withdraw themselves, and the Ambassadors never had the freedom personally to speak to his Majesty in the absence of the Duke of *Buckingham*; an example (say they) unusual with other Kings, and never to be taken well, except when the King is weak in judgement, and wants experience, and a man wise and circumspect supplies his place. But here (said the Ambassador,) is a prudent King, and a Favorite young, rash, and heady, whose continual presence did argue guilt and fear; and his Majesties most faithfull Servants dare not so much as disclose their minds. Moreover they suggest that the business of the *Palatinate* was by him taken out of the hands of the Kings Council, and referred to the Parliament; that he did arrogate to himself the thanks of all things acceptable, and was stiled the Redeemer of his Country; and he would have it believed, that he hath a dominion over the Kings and Princes will. And things standing thus, though many may be found that will speak against the King, yet none will appear to speak against the Duke: C For which causes these close Informers besought his Majesty to free his Vassals from fear and diffidence, who otherwise will dare discover nothing for his preservation.

D But these dark Intelligences had no other issue, then the moving of King *James* to represent to the King of *Spain* the miscarriages of his Ambassadors, remitting the cause unto him, with a demand of Justice and reparation, for that the Information was sufficient to put impressions in him of perpetual jealousies of the Duke. Hereupon when the Ambassadors were returned home, they suffered a few dayes confinement, but were afterwards rather rewarded and further employed: For in the Court of *Spain*, *Buckingham*s name was odious, and the Princes honor of little value, and the Kings reputation at a low ebb: divers particular Enmities were already begun between the Subjects of both Crowns, the English Merchants were oppressed in the Spanish Ports.

E Notwithstanding the Dukes vast power and popularity, the Earl of *Bristol* refused to bow before him. The Earl, though his charge were heavy, and his Cause strongly prejudiced, did not abandon his own defence, but protested against the Dukes *Narration* of the Spanish Affairs, and was committed to the *Tower*, being not admitted into the Kings presence, nor to plead his Cause before him. He was to the Duke a stout and dangerous Enemy; infomuch, that he was said to violate the rules of the prudent *Mariner*, who in a Storm and foul weather, is accustomed rather to pull down, then to hoise up Sailes.

F *Saturday* the 29 of *May*, the King being come to the House of *Peers*, and his Majesty and the Lords in their Robes, Sir *Thomas Crew* Speaker, being come to the Bar, and the Commons present, he made this Speech.

The issue of those Accusations.

The Earl of *Bristol* protests against the Dukes *Narration*, is imprisoned in the *Tower*.

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The *Speakers*
in their
speech at the
dissolution
of the Parlia-
ment.

“ That God to his own great glory had brought this Session of the
“ Parliament so happily begun, to so happy an end, that both Houses
“ and every particular Member thereof had given their willing
“ assent even with *one voice*, unto the *Advice* which his Majesty
“ was pleased so low to descend as to demand of them. As there was
“ not an hammer heard in the building of the *House of God*, so in this
“ great Business there was not a *Negative voice*, nor any jarring among
“ them: But their time was wholly spent in the business of Parliament,
“ in which they had prepared many Bills profitable for the Common-
“ wealth, and shewed the several natures of those Bills: some for the
“ service of God, and restraint of *Recusants*; some to redress the Enor-
“ mities of the Commonwealth; others of his Majesties grace and bounty
“ to his people; and some concerning the Prince’s Highness touching
“ his own Lands, and others to settle strife in particular Estates; all
“ which do wait for and humbly desire his Majesties Royal assent. A

“ He shewed also what great joy they all received for the Dissolution
“ of the two *Treaties* with *Spain*; and that Commissioners are required
“ to see the Edicts performed against *Recusants* and *Jesuites*, the Locusts
“ of *Rome*, wherein will consist his Majesties chiefest safety. And they do
“ render him humble thanks for their antient *Priviledges*, which they fully
“ enjoyed this Parliament, and their so often access unto his Majesties pre-
“ fence; and more especially for his Majesties general, large, liberal and
“ free *Pardon*, shewing the benefit thereof, and reciting the particulars. C
“ He also presented the Bill of Three entire *Subsidies*, and Three *Fifteens*
“ and *Tenths* granted this *Session*, and declared the cheerfulness of the
“ grant thereof: And making his earnest prayers unto Almighty God
“ to direct his Majesties heart to make his own *Sword* his *Sheriff* to put
“ his Son-in-law in possession of his *Palatinate*, the antient Inheritance of
“ his Royal Grandchildren, he ended, humbly craving pardon for himself
“ and his own errors committed this Session. D

“ Unto which his Majesty presently made answer, beginning with
“ the last of the *Speakers* Speech touching their *Freedom*, which he pro-
“ mised to continue unto them in as large a manner as ever they enjoyed
“ the same. And for the Restitution of his Son-in-law, protested his con-
“ tinual care thereof, and his great grief if he should not see an assured
“ hope before he died; and vowed that all the *Subsidies*, for which he
“ heartily thanked them, though it had not been so tied and limited,
“ should have been bestowed that way. His Majesty remembered them, E
“ that nothing was given to relieve his own wants; which he expecteth
“ at the next *Session* the beginning of Winter. He acknowledged the
“ obedience and good respect of the *Commons* in all things this Parliament,
“ for which (as he was pleased to say) he thanks them heartily and with-
“ out complement; and if they please to continue the same at their next
“ meeting, it will make this the happiest Parliament that ever was.

“ His Majesty spake also of the *Grievances* presented unto him yester-
“ day by the *Commons* at *Whitehall*, promising them a full Answer at their
“ next meeting: That he had looked over them, and was glad they were
“ of no greater importance. His Majesty remembered the House to handle
“ *Grievances* at their next meeting, and to hunt after none, nor to present
“ any but those of *importance*: He promised to go over them all, and to give
“ a free answer, such as should be good for his People, not respecting any
“ Creature F

“ Creature whatsoever, and that he will advise herein with his Council and
 “ Judges. At this time his Majesty said, he would shew them his grie-
 “ vances; first, that they grieve at the Reformation of Building about
 “ London with Brick, which he intendeth onely for the Beauty and
 “ more safety of the City, therefore he will go through with it; and
 “ if the Commissioners offend herein, let the party aggrieved complain,
 “ and he will redress it; that the form of proceedings used by the Com-
 “ mons in this Parliament is also a grievance unto his Majesty, for that
 “ they did not call the Commissioners, whom they complained of, be-
 “ fore them, touching their complaint against Doctor *Ayian*; his Ma-
 “ jesty said their oath of Supremacy forbids them to meddle with Church
 “ matters: besides they complain against him, and never heard him
 “ Touching their complaint against the *Apothecaries*, his Majesty pro-
 “ tested his care therein to be onely for his peoples health; it is dangerous
 “ for every one to meddle with Apothecaries ware, and the Grocers have
 “ a Trade beside.

“ His fourth grievance is, that Seditious Books are so frequently
 “ printed, which he will be carefull to prevent hereafter.

“ Fifthly, for calling in so many Patents, appointing the Patentees
 “ to wait so many days with their Council, and never to hear them; where-
 “ fore his Majesty warned them to call for no more hereafter, unless they
 “ first knew them to be grievous to the people; and so his Majesty con-
 “ cluded with thanks for the Commons good carriage towards him and
 “ his Lords this Session.

Then the Lord Keeper spake to the particulars of the Speakers
 Speech, and by his Majesties command approved them all, alluding the
 general consent of both Houses to the *Septuagint* directed by the Holy
 Ghost; and touching the Speakers desire for the Kings assent to the Bills
 past both Houses, he said the royal assent is proper to the Lawgiver; and
 shewed, that it is best for the people; that this is in his Majesties power,
 and not in themselves; for the King knoweth what is best to be granted
 unto his people, as may appear by the Petition that *Bathsheba* made to
 King *Solomon*, to give unto *Adonijah Abishag* to wife, which had *Solomon*
 granted, he had given *Adonijah* means to usurp the Kingdom, contrary
 to *Bathsheba's* meaning; and such is his Majesties intent this day for such
 Bills which he will not pass. That his Majesty had given his consent to
 all the Bills of Grace, and to the Bill of the continuance of some Sta-
 tutes, and repeal of others, so necessary, and for the good of the peo-
 ple. That his Majesty accepteth in good part their thanks for his general
 Pardon which he hath so freely granted unto his Subjects; but his special
 command is that those that are in Office, do look strictly to the execu-
 tion of Laws against Recufants; the Subsidies his Majesties graciously
 accepteth, and therefore imitates not the Story in *Macrobius* of one who
 had all his debts paid, and instead of thanks answered, *mibi nihil*; though
 this be given to the *Palatinate*, his Majesty interpreteth it as given to him-
 self, and rendreth to you all hearty thanks for the same.

The Lord-Keeper having ended his Speech, the Clerk of the Crown
 stood up, and read the title of the Bills passed both Houses; and the Clerk
 of the Parliament read his Majesties Answer to each Bill, which being done,
 his Majesty remembred the breaking up of three Parliaments together,
 and the happy conclusion of this Session, and puts the Commons again in
 minde, that at their next meeting they do so carry themselves that this
 Parliament may be as happily continued to the end.

An. 1624.

At the Parliament holden at *Westminster* by Pro-
rogation, the Nineteenth day of *February*,
Anno Regis Jacobi Angliæ, Franciæ & Hiberniæ
viceſimo primo, & Scotiæ quinquageſimo ſeptimo,
Theſe Acts were paſſed.

1. **A**N Act for making perpetual an Act made *Anno 39 Eliz.* En-
titled, *An Act for the Erecting of Hospitals and Workhouſes for*
the Poor.

2. An Act for the quiet of the Subject againſt Concealments.

3. An Act concerning Monopolies, and Diſpenſations with
Penal Laws.

4. An Act for eaſe of the Subjects concerning Informations upon
Penal Statutes.

5. An Act, That Sheriffs, their Heirs &c. having a *Quietus eſt*,
ſhall be diſcharged of their Accompts, with the Judges opinion therein.

6. An Act concerning Women convicted of ſmall Felonies.

7. An Act to repreſs Drunkenneſs, and to reſtrain the haunting
of Inns, &c.

8. An Act to puniſh Abuses in procuring *Superſedeas* of the Peace
out of the Courts at *Westminster*, and to prevent the Abuses in procuring
Writs of *Certiorari* out of the ſaid Courts, &c.

9. An Act for the Free Trade of Welſh Clothes, &c. in *England*
and *Wales*.

10. An Act to repeal a Branch of the Statute *An. 34 H. 8.* Entitled
An Act for certain Ordinances in the Kings Dominions, and Principality
of Wale.

11. An Act for Confirmation of a Judgment given for his Maſteſty
in a *Scire facias* againſt *Henry Heron*, and for Declaration of the Letters
Patents therein mentioned to be void.

12. An Act to make perpetual the Act for eaſe in pleading againſt
troublesom Suits proſecuted againſt Juſtices of the Peace, Mayors, &c.

13. An Act for the further reformation of Jeſſails.

14. An Act to admit the Subject to plead the General Iſſue in *In-*
formations of Intruſion brought on the Kings behalf, and to retain his Poſ-
ſeſſion till Trial.

15. An Act to enable Judges and Juſtices to give reſtitution of Poſ-
ſeſſion in certain caſes.

16. An Act for Limitation of Actions, and for avoiding of Suits
in Law.

17. An Act againſt Uſury.

18. An Act for the Continuance of a former Statute made 4th *Jac.*
Entitled, *An Act for the true making of Woollen Clothes.*

19. An Act for the further Deſcription of a Bankrupt, and relief of
Creditors againſt ſuch as ſhall become Bankrupts, and for inflicting of
Corporal puniſhment upon them in ſome Caſes.

20. An Act to prevent Swearing and Curſing.

21. An Act concerning Hoſtlers and Inholders.

22. An

22. An Act explaining a Statute *An. 3, 4, & 5 E. 6.* concerning the Traders of Butter and Cheefe.

23. An Act to avoid Delaies by removing of Actions out of Inferior Courts.

24. An Act for relief of Creditors against such as die in Execution.

25. An Act for relief of Patentees, Tenants and Farmers of Crown-Lands and Duchy-Lands.

A 26. An Act against such as shall levy any Fine, suffer any Recovery, knowledge any Statute, Recognisance, Bail or Judgment in the name of any person not privy thereunto.

27. An Act to prevent the murthering of Bastard-children.

28. An Act to continue divers Statutes, and repeal others.

29. An Act to enable Prince *Charls* to make Leases of Lands parcel of the Duchy of *Cornwal*, or annexed to the same.

B 30. An Act to assure *York*-House and other Lands to the King, and to assure the Manors of *Brighton*, *Santon*, and other Lands to the Archbishop of *York*, &c.

31. An Act for the good Government of the Makers of Knives in *Hallam-shire* in the County of *York*.

32. An Act to make the *Thames* Navigable from *Bercot* to *Oxon*.

33. An Act for the Subsidies of the Clergy.

34. An Act for Three Subsidies, Three Fifteens and Tenths granted by the Temporalty, with the Judges opinions.

35. An Act for the Kings General Pardon.

C

Private Acts.

36. An Act for the Confirmation of *Wadham-Colledge* in *Oxon*, and the Possessions thereof.

37. An Act for the Naturalizing of *Philip Burlemacchi*.

38. An Act for the Naturalizing of *Giles Vandeput*.

D 39. An Act to enable *William* Earl of *Hereford*, and Sir *Francis Seymor* Knight, to sell Lands for the payments of Debts, and establishing other Lands.

40. An Act for the Naturalizing of Sir *Robert Anstrother*, Sir *George Abercromy* Knights, and *Fohn Cragge* Doctor of Physick.

41. An Act to confirm the Copiholders Estates of *Stepney* and *Hackney*, according to a Decree in *Chancery* between the Lord of the Manor and the said Copiholders.

42. An Act to confirm an assurance of Lands sold by Sir *Thomas Beaumont* Knight and his wife, to Sir *Thomas Cheek* Knight.

E 43. An Act to erect a Free-school and Alms-house, and House of Correction in *Lincolnshire*.

44. An Act to enable *Martin Calthorp* to sell Lands for preferment of younger Children, and payment of Debts.

45. An Act for settling the Manor of *Goodneston* and other Lands of Sir *Edward Ingram* Knight.

F 46. An Act to enable Dame *Alice Dudley* wife of Sir *Robert Dudley* Knight, to assure the Manor of *Killingworth* and other Lands to Prince *Charls*.

47. An Act to confirm an Exchange of Lands between Prince *Charls* and Sir *Lewis Watfon* Knight and Baronet.

48. An Act for the settling of the Lands of *Anthony* Vicount *Montague*, for payment of his Debts and raising of Portions.

49. An

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49. An Act to enable Sir *Richard Lumley* Knight to sell Lands for the payment of his Debts and preferment of Children.

50. An Act to confirm a Decree in *Chancery* made by the consent of the Lord of *Painswick* in *Com. Glouc.* and his Customary Tenants there.

51. An Act for the Naturalization of Sir *Francis Steward* Knight, *Walter Steward*, *James Maxwell*, *William Car*, and *James Levingston*, Esquires. A

52. An Act for the Naturalization of *John Young* Doctor of Divinity.

53. An Act for the Naturalizing of *Fane Murrey* Widow, and *William Murrey* Esquire.

54. An Act to make good a Conveyance of *Little Munden* made from Sir *Peter Vanlore* Knight, and Sir *Charls Caesar* Knight, unto *Edmond Woodhall* Esquire and his heirs.

55. An Act to enable *Vincent Low* to sell Lands for payment of his Debts. B

56. An Act to enable *Toby Palyvicine* to sell Lands for the payment of Debts and preferment of Children.

57. An Act for Naturalizing of Sir *Robert Car* Knight.

58. An Act to confirm the Manor of *New-Langport* and *Seavans*, and other Lands late being the Inheritance of Sir *Henry James* Knight in a *Premunire* convicted, unto *Martin Lumley* Lord Mayor of *London*, *Alice Woodriff* widow, and *Edward Copley*, &c. C

59. An Act for Naturalizing of Sir *Stephen Leisure*.

60. An Act for Naturalizing of *James* Marquis of *Hamilton*.

61. An Act for Naturalizing of Sir *William Anstrother* Knight, Doctor *Balkanqual*, and *Patrick Abercromy*.

62. An Act to confirm the Sale of Lands made by Sir *Edward Heron* Knight unto *Bevel Moulsworth* Esquire, and to enable the said Sir *Edward* to sell other Lands for payment of Debts, and to settle other Lands upon *Robert* and *Edward Heron*. D

63. An Act for the Naturalizing of *Abigal Little*, and *William Little* her son.

64. An Act for the establishing of Lands upon *John Mohun* Esquire son of Sir *Rowland Mohun* Knight and Baronet, according to the Agreements made between them.

65. An Act to enable *Edward Alcock* to sell the Manor of *Rampton* and other Lands.

66. An Act to explain a Statute made *Anno 13 Eliz.* for assuring of Eighty two pounds ten shillings *per annum* to the Bishop of *Coventry* and *Lichfield* for ever, out of Manors and Lands thereby assured to *Edmund Fisher* and his heirs. E

67. An Act for the establishing of Three Lectures in Divinity, according to the Will of *Thomas Wattenhall* Esquire.

68. An Act for the repairing of the River running to *Colchester*, and paying of the Town there.

69. An Act to enable *Francis Clerk* Knight to sell Lands for the payment of Debts and raising of Portions. F

70. An Act for altering of Gavelkind-Lands, being late the Lands of *Thomas Potter* Esquire, Sir *George Rivers* Knight, and Sir *John Rivers* Baronet, and to settle the Inheritance of them upon Sir *John Rivers* and his heirs.

71. An Act to make the Lands of *Thomas* Earl of *Middlesex* subject to the payment of his Debts.

72. An Act for the Sale of the Manor of *Abbots-Hall*, late the Possessions of Sir *James Pointz* deceased, that the Monies thereby raised may be distributed amongst his Creditors according to his Last Will.

73. An Act for the Naturalizing of *Elizabeth Vere* and *Mary Vere*, the Daughters of Sir *Horatio Vere* Knight.

A This Summer, Four Regiments of Foot were raised for the service of the *United Provinces*, to be employed against the Emperor, under the Command of four Noble Colonels, the Earls of *Oxford*, *Essex*, and *Southampton*, and the Lord *Willoughby*.

B The Town of *Frankendal* having been sequestred into the hands of the Archduchess *Isabella Clara Eugenia* Infanta of *Spain*, for the term of Eighteen moneths, and that time now growing to an end, being to expire about the middle of *October* next; The King commanded those Lords and others that were Commissioners in that Treaty between his Majesty and the Archduchess, to assemble and deliberate what was fit to be done concerning the remanding, receiving, and ordering of that Town. The Commissioners unanimously were of opinion, That it was fit for his Majesty both in Honor and Interest to remand it, and according to the Capitulation to place therein a Garrison of Fifteen hundred Foot and Two hundred Horse, with sufficient Victuals for six moneths, and a sufficient quantity of all Munition: The Infanta having accorded in the Treaty to give them a passage through the King of *Spain's* Low-Countries; The King approved and resolved to follow the Advice, and gave Order to the Council of War to consider and discuss the manner of demanding the Town, and the way and means of raising the men, and conducting them thither, and of maintaining and supplying the Garrison with Munition and all things necessary.

C On the day that *Frankendal* was to be redelivered, *Spinola* with his Forces marcheth out of the Town; and finding none of the King of *Great Britains* Forces ready to enter it, instantly re-enters and takes possession, pulls down the King of *England's* Arms, and sets up the King of *Spain's*. Yet did the Noble *Spaniard* leave standing the Monument of two Brothers, fighting and stout Enemies of theirs, in opposition of whose valor the *Spaniard* had gained much honor, but overcame them at last. The Monument is standing in the Dutch Church in *Frankendal* upon a fair Tomb, with this Inscription,

E *In beatissimam memoriam Dom. Generosi Gulielmi Fairfax Anglo-Britanni, Honoratissimi Domini Thomæ Fairfax de Denton in Com. Ebor. Equitis Aurati filii, Cohortis Anglicani Ducis insignis; Qui annis natus circiter XXVI. post animi plurima edita testimonia invictissimi, unâ cum Joanne fratre suo juniore, in obsidione Francovalenti, hic factâ eruptione arreptus, ille ictu bombardæ percussus, occubuere. Anno M.DC.XXI.*

Kings *James* demands the Town of *Frankendal* deposited in the Archduchess's hands.

Spinola marches out of the Town, and immediately Re-enters.

An. 1624.

King James
very desirous
of a Match
with France.

The Match
with France
concluded.

Count Mans-
field arrives
in England;
12000 Foot
and 200 horse
raised to go
under his
command.

This Monument was erected by the Town of *Frankendal*, in memory of those two Brothers, who were Uncles to that Valiant, Victorious, and Self-denying General, *THOMAS* Lord *FAIRFAX*, late Commander in Chief of the *Parliaments* Armies in *England*.

In *France*, the Marriage-Treaty was not so fair, smooth and plausible in the progress, as in the entrance. King *James*, admiring the Alliance of mighty Kings, though of a Contrary Religion, as also fearing the disgrace of another Breach, desired the Match unmeasurably; which the *French* well perceived, and abated of their forwardness, and enlarged their Demands in favor of *Papists* (as the *Spaniards* had done before them) and strained the King to the Concession of such Immunities, as he had promised to his Parliament, that he would never grant upon the mediation of Foreign Princes.

The Cardinal *Richlieu* being in the infancy of his favor, and appointed to the managing of the Treaty, assured the Catholics of *Great Britain*, that the most Christian King remembering that he was born and raised up no less for the propagation of the Catholick Cause, then for the enlarging of his own Dominions, was resolved to obtain honorable Terms for Religion, or never to conclude the Match: And for his own part, such was his compassion towards them, that if he might work their deliverance, or better their condition, not only with Counsel, interest and authority, but with his life and blood, he would gladly do it.

However, this Treaty held fewer moneths, then the years that were spent in that of *Spain*. Indeed, the Motion from *England* had a braver expression, seeing a Wife was here considered as the only object of the Treaty; whereas that of *Spain* was accompanied with a further expectation, to wit, the rendring of the *Palatinate* to King *James* his children. In *August* the Match was concluded, and in *November* the Articles were sworn unto by King *James*, Prince *Charles*, and the French King. The Articles concerning Religion were not much short of those for the Spanish Match. The Conclusion of the Treaty was seconded in *France* with many outward expressions of Joy, as Bonfires and the like: Whereupon the Privy-Council sent to the Lord Mayor of *London*, requiring the like to be done here.

This year Count *Mansfield* arrived in *England*, whose reception was splendid and honorable: He was entertained in the Prince his House in *S. James's*, and served in great state by some of the Kings Officers. A Press went through the Kingdom for the raising of Twelve thousand Foot, with two Troops of Horse, to go under his Command for the Recovery of the *Palatinate*. These Forces were intended to pass through *France* into *Germany*, the *French* having promised as well an Addition of Strength, as a free passage.

In the mean while there were those that secretly solicited the King to return into the way of *Spain*, and raised suspicions of *Mansfield's* Enterprise, saying he was the *Palsgraves* Scout and Spy; And if the *Puritans* desired a Kingdom, they did not wish it to the most illustrious Prince *Charles*, his Majesties best and true Heir, but to the *Palatine*. That it was the *Dukes* Plot, and the *Parliaments* Fury, to begin a War with *Spain*; but it will be the glory of his Majesties blessed Reign, that after many most happy years, that Motto of his (*Blessed be the Peace-makers*) might even to the last be verified of him in the letter, and be propounded for imitation to the most illustrious Prince, and that the experience of his happy Government should carry the Prince in a connatural motion to the same Counsels of Peace.

And

And at the same time, the more circumspect party in the Spanish Court, held it fit to continue the state of things in a possibility of an Accommodation with the King of *Great Britain*, and *Gondomar* was coming again for *England* to procure a Peace; notwithstanding the Duke of *Bavaria* used all diligence, to combine himself with that Crown, offering to depend wholly thereon, so that he may be thereby protected in his new acquired Dignity. But in these Motions the Elector of *Saxony* with many Reasons, advised the Emperor to apply himself to the settling of a Peace in *Germany*, and with much instance besought him not to destroy that ancient House of the *Palatinate*.

Count *Mansfield* was at this time in *England*, and the Forces raised in the several parts of the Kingdom for the recovery of the *Palatinate*, were put under his Command; and Marching to their Rendezvous at *Dover*, committed great Spoils and Rapines in their passage through the Counties. At that Rendezvous the Colonels and Captains were assigned to receive their several Regiments and Companies from the Conductors employed by those several Counties where the Men were raised.

A List of some of the Regiments of Foot designed for that Expedition.

I.

Earl of *Lincoln*, Colonel.
Lieut. Col. *Allen*.
Serjeant Major *Bonithon*.
Sir *Edward Fleetwood*.
Captain *Wirley*.
Capt. *Reynolds*.

D Capt. *Babbington*.
Sir *Matthew Carey*.
Capt. *Barlee*.
Capt. *Cromwel*.

II.

E Viscount *Doncaster*, Colonel.
Sir *James Ramsey*, Lieut. Colonel.
Alexander Hamilton, Serjeant Major
Capt. *Archibald Douglas*.
Capt. *Zouch*.
Capt. *John Douglas*.
Capt. *Pell*.
Capt. *William Douglas*.
Capt. *George Kellwood*.
Capt. *Andrew Heatly*.

III.

F Lord *Cromwel*, Colonel.
Lieut. Col. *Dutton*.
Serjeant Major *Gibson*.
Capt. *Basser*.

Capt. *Lane*.
Capt. *Vincent Wright*.
Capt. *Fenner*.
Capt. *Vaughan*.
Capt. *Owseley*.
Capt. *Crane*.

IV.

Sir *Charles Rich*, Colonel.
Lieut. Col. *Hopton*.
Serjeant Major *Killegrew*.
Sir *Warham St. Leiger*.
Sir *W. Waller*.
Capt. *Burton*.
Capt. *Francis Hammond*.
Capt. *Winter*.
Capt. *Goring*.
Capt. *Fowler*.

V.

Sir *Andrew Grey*, Colonel.
Lieut. Col. *Boswel*.
Serjeant Major *Coburne*.
Capt. *David Murray*.
Capt. *Murray*.
Capt. *Forbois*.
Capt. *Carew*.
Capt. *Ramsay*.
Capt. *Williams*.
Capt. *Beaton*.

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VI.

Sir *John Borrough*, Colonel.
 Lieut. Col. *Bret*.
 Serjeant Major *Willoughby*.
 Capt. *William Lake*.

Capt. *Roberts*.
 Capt. *Webb*.
 Capt. *Skipwith*.
 Capt. *Thomas Woodhouse*.
 Capt. *George*.
 Capt. *Mostian*.

The Duke of *Buckingham*, Lord Admiral, was required to employ those Ships that were now in the Narrow Seas, or in the Havens ready bound for any Voyage, for the Transporting this Army from *Dover*.

Count *Mansfield* received his Commission from King *James*, bore date the Seventh of *November*, One thousand six hundred twenty and four, and was to this effect, That his Majesty at the Request of the Prince Elector *Palatine*, and the Kings Sister his Wife, doth impower Count *Mansfield* to raise an Army for the recovering of the Estate and Dignity of the Prince Elector, and appoints that the Forces so raised should be under the Government of the said Count *Mansfield*, for the end aforesaid. And his Majesty further declares, by way of Negative, That he doth not intend that the said Count shall commit any spoil upon the Countreys or Dominions of any of his Majesties Friends and Allies; and more particularly, He doth require the said Count not to make any invasion, or do any act of War against the Countrey or Dominion, which of right appertain and are in truth, the just and lawful possession of the King of *Spain*, or the Lady *Infanta Isabella*: And in case any such Hostility shall be acted contrary to this his Majesties intention, all such Commissions which shall be granted to that purpose by the said Count *Mansfield*, his Majesty doth declare to be void; and that all payments shall cease: That on the contrary, if Obedience be given hereunto, the King wisheth the Count all good success for the recovery of the *Palatinate*, and reestablishment of the Peace in *Germany* against the Duke of *Bavaria*, and those that are the troublers of the Peace.

And for the performance hereof, the King caused Count *Mansfield* to take an Oath, That he would conform according to the Contents of the said Commission and Declaration of his Majesty; which Oath was almost in *Terminis* of what is before expressed.

This Army consisting of Twelve Regiments, was intended to Land in *France*; but being ready for Transport, the French notwithstanding their Promise, and the Treaty of Marriage, demurred (yet not plainly denied) their passage. Nevertheless, the whole Army was shipped, and put over to *Calice*; and after a tedious stay in hope yet to land and pass through the Countrey, they were forced to set sail for *Zealand*. Neither were they suffered to land there, coming so unexpectedly upon the *States*, and in a hard Season for Provision of Victuals.

Thus they were long pent up in the Ships, and suffered the want of all Necessaries, by which means a *Pestilence* came among them, and raged extreamly; so that they were thrown into the Sea by *Multitudes*; insomuch, that scarce a Third part of the men were landed, the which also afterward mouldred away, and the Design came to nothing.

The Papist formerly danted by the Breach of the Spanish Match, was now again revived by the Marriage-Treaty with *France*. And at this time upon the Death of *William*, Titular Bishop of *Calcedon*, most of the English *Secular Priests* did Petition the *Pope*, that another Bishop might be sent over into *England*, there to ordain *Priests*, give Confirmation, and

Scarce the third part of Count *Mansfield's* Army came safe to Land.

Richard Smith made Bishop of *Calcedon*, and sent into *England* with Episcopal Jurisdiction.

and exercise *Episcopal Jurisdiction*. Among others, *Matthew Kellison* and *Richard Smith* were presented.

And though the *Regulars* were opposite to the *Seculars* in this matter, yet those of the Order of *St. Benedict* joyned with the *Seculars*, and *Rudelin Barlo* President of the English *Benedictines* at *Doway*, wrote a Letter in their behalf to the *Congregation* at *Rome*, named of the *Propagation of the Faith*. Dated the Twelfth of *December*, One thousand six hundred twenty and four.

In which Letter was this passage, That there were above *Sixty Benedictine Monks* in *England*; and that it is not to be doubted (said he) [For that it is already seen the good success under the *First Bishop*.] That another *Bishop* being Constituted, there would be more joyful fruits within one two years in the *English Mission*, then hitherto hath been for *Sixty years* now elapsed.

But not long after, the *Episcopal party* prevailing, Pope *Urban* the Eight created *Richard Smith* Bishop of *Calcedon*, and sent him into *England* with *Episcopal Authority* over the Priests within the English Dominions.

King *James* after he had been troubled with a *Tertian Fever* four Weeks, finding himself near the end of his days, called unto him *Charles* Prince of *Wales*, his onely Son, to whom he recommended the Protection of the Church of *England*, advised him to love his Wife, but not her Religion; and exhorted him to take special care of his Grand-Children, the Children of the *Electoꝛ Palatine*, by his Daughter; and to employ the power he left him, to reestablish them in the Estate and Dignities of their Father: And lastly, he recommended to him his Officers who had faithfully served him, and on the Seven and twentieth of *March* gave up the ghost.

And shortly after Bishop *Laud* delivered to the hands of the Duke of *Buckingham*, brief Annotations or Memorables of the Life and Death of King *James*, (viz.)

I. HE was a King almost from his Birth.

II. His great Clemency that he should Reign so long, and so moderately, that knew nothing else but to Reign.

III. The difficult times in Scotland, during his Minority, as much perplexed with Church as State Factions.

IV. His admirable Patience in those younger times, and his Wisdom to go by those many and great difficulties, till God opened him the ways to his just Inheritance of this Crown.

V. His peaceable Entry into this Kingdom, contrary to the fears at home, and the hopes abroad, not without Gods great blessing both on him and us.

VI. His Ability as strong in Grace as Nature, to forgive some Occurrences.

VII. The continuance of full Two and twenty years reign all in Peace, without War, from Foreign Enemy, or Rebellion at home.

VIII. The infinite advantage, which people of all sorts might have brought to themselves, and the enriching of the State, if they would have used such a Government with answerable care, and not made the worst use of peace.

IX. Gods great mercy over him in many deliverances from private Conspirators, and above the rest, that which would have blown up his Posterity and the State by Gun-powder.

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X. That in all this time of his Reign of England, he took away the life of no one Nobleman, but restored many.

XI. That the sweetness of his nature was scarce to be paralleled by any other.

XII. It is little less than a Miracle, that so much sweetness should be found in so great a heart, as besides other things, sickness and death it self shewed to be in him.

XIII. Clemency, Mercy, Justice, and holding the State in Peace, have ever been accounted the great Vertues of Kings, and they were all eminent in him. A

XIV. He was not onely a preserver of Peace at home but the great Peacemaker abroad; to settle Christendom against the common enemy the Turk, which might have been a glorious work, if others had been as true to him, as he was to the common good.

XV. He was in private to his Servants, the best Master that ever was, and the most free. B

XVI. He was the justest Man that could sit between parties, and as patient to hear.

XVII. He was bountiful to the highest pitch of a King.

XVIII. He was the greatest Patron to the Church which hath been in many Ages.

XIX. The most Learned Prince that his Kingdom hath ever known for matters of Religion.

XX. His integrity and soundness in Religion, to write and speak, believe and do, live and die one and the same, and all Orthodox. C

XXI. His tender love to the King his Son, our most gracious Sovereign that now is, and his constant Reverence in performance of all duties to his Father, the greatest Blessing and greatest Example of this, and many Ages.

XXII. The Education of his Majesty whom we now enjoy (and I hope and pray we may long and in happiness enjoy) to be an able King as Christendom hath any, the very first day of his Reign; the benefit whereof is ours, and the Honor his. D

XXIII. His sickness at the beginning more grievous then it seemed, a sharp melancholy humor set on fire, though ushered in by an ordinary Tertian Ague.

XXIV. He was from the beginning of his sickness scarce out of an opinion that he should die; and therefore did not suffer the great Affairs of Christendom to move him more then was fit, for he thought of his end.

XXV. His devout receiving of the Blessed Sacrament.

XXVI. His Regal Censure of the Moderate Reformation of the Church of England, and particularly for the care of retaining of Absolution, the comfort of distressed Souls.

XXVII. His continual calling for Prayers, with an assured confidence in Christ.

XXVIII. His death as full of patience as could be found in so strong a death.

XXIX. His Rest, no question is in Abrahams Bosome, and his Crown changed into a Crown of Glory. F

Another writes thus of that King in the Book entituled the Reign of King Charles.

In

IN the stile of the Court he went for *Great Britains Solomon*; nor is it any Excursion beyond the Precincts of Verity to say, That neither *Britain* nor any other Kingdom whatsoever, could ever since *Solomons* days glory in a King (for recondite Learning and abstruse Knowledge) so near a Match to *Solomon*, as he. And though he was an Universal Schollar, yet did he make other Sciences (their most proper employment) but Drudges and Serviteurs to Divinity, wherein he became so transcendently eminent, as he notoriously foiled the greatest Clerks of the *Roman* See. Nor did his Theological Abilities more advantage the Cause of Religion abroad then at home, they keeping the new-fangled Clergy aloof, and at distance, as not daring to infuse into so solid a Judgment their upstart and erroneous Fancies, no nor disquiet the Churches peace with Heterodox Opinions. A stout Adversary he was to the *Arminians* and *Semipelagians*, whom he called as *Prosper* before him, *The Enemies of Gods Grace*. And as slender a Friend to the *Presbytery*, of whose Tyrannical and Antimonarchical Principles, he had from his Cradle smart experience. He was an excellent Speaker, the Scheme of his Oratory being more stately then pedantick, and the Expressions argued him both a King and a Schollar. In his Apparel and Civil Garb, he seemed naturally to affect a Majestick carelesness, which was so Hectick, so Habitual in him, as even in Religious Exercises, where the Extern Demeanor is a grand part of that Sacred Homage, he was somewhat too incurious and irreverent. He was indulgent a little to his Palate, and had a smack of the Epicure; in Pecuniary Dispensations to his Favorites, he was excessive liberal; yea though the exigence of his own wants pleaded Retention. Studious he was of Peace, somewhat overmuch for a King, which many imputed to pusillanimity; and for certain, the thought of War was very terrible unto him; whereof there needs no further demonstration, then his management of the Cause of the *Palatinate*: For had he had the least scintillation of Animosity or Majestick Indignation, would he have so long endured his Son-in-Law exterminated from his Patrimony, while the *Austrian* Faction (to his great dishonor) cajoled and kept him in delusory Chat with specious fallacies? would he in those several Negotiations of *Carlisle*, *Bristol*, *Belfast*, and *Weston*, have trifled away so vast sums, the Moity whereof, had they been disposed in Military Levies, would have Modelled an Army able (when *Heidelburgh*, *Manheim*, and *Frankendale* defended themselves) to have totally dissipated all the Forces of the Usurpers, to have mastered the Imperious Eagle, enforcing her to forego her Quarry, and reestated the *Palsgrave*? would he so shamefully have Courted the Alliance of *Spain*, to the very great regret of his Subjects whom his Predecessors had so often baffled, and whom *England* ever found a worse Friend then Enemy? What stronger evidence can be given in of a wonderful defect of Courage? As this lipothymie, this faint-heartedness, lost him the reputation and respects of his people; so his heavy pressures upon them, and undue Levies by Privy Seals, and the like, alienated their Affections, especially considering how those Moneys were mis-employed, indeed rather thrown away; partly in the two dishonorable Treaties of *Spain* and *Germany*, and the Consequential Entertainments; and partly in Largeesses upon his Minion *Buckingham*. Between this disaffection and contempt in his people, there was generated a general disposition to turbulent and boisterous Darings and Expostulations, even against his Darling Prerogative: And though those dismal calamities which

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which befel his Son, were doubtless amplified by a superfetation of Causes; yet was their first and main existency derivative from those feminilities. Let Court-Pens extol the calmness of his *Halcyonian* Reign with all artifice of Rhetorick, yet can they never deny but that admired Serenity had its set in a Cloud; and that he left to his Successor, both an empty Purse and a Crown of Thorns.

Sir *Francis Bacon* when King *JAMES* was living, gave this Character of him. A

W Herefore representing Your Majesty many times unto my minde, and beholding you not with the eye of Presumption to discover that which the Scripture tells me, is inscrutable; but with the observant eye of Duty and Admiration, leaving aside the other parts of your Virtue and Fortune, I have been touched, yea, and possessed with an extream wonder at these your Virtues and Faculties which the *Philosophers* call Intellectuals, [The largeness of your Capacity, the faithfulness of your Memory, the swiftness of your Apprehension, the penetration of your Judgment, and the facility and order of your Elocution.] And I have then thought, that of all the persons living that I have known, Your Majesty were the best instance to make a man of *Plato's* opinion, *That all Knowledge is but Remembrance, and that the Minde of Man by Nature knoweth all things, and hath but her own Native and Original Notions (which by the strangeness and darkness of the Tabernacles of the Body, are sequestred) again revived and restored.* Such a Light of Nature I have observed in your Majesty, and such a readiness to take flame and blaze from the least occasion presented; or the least spark of anothers Knowledge delivered. And as the Scripture saith of the wisest King, *That his heart was as the Sand of the Sea*, which though it be one of the largest Bodies, yet it consisteth of the smallest and finest Portions: So hath God given your Majesty a composition of Understanding admirable, being able to compass and comprehend the greatest Matters, and nevertheless to touch and apprehend the least; wherein it should seem an impossibility in Nature for the same Instrument to make it self fit for great and small Works. And for your gift of Speech, I call to minde what *Cornelius Tacitus* saith of *Augustus Caesar*, *Augusto profluens & quæ Principem deceret Eloquentia fuit*: For if we mark it well, Speech that is uttered with labor and difficulty; or Speech that savoreth of the affectation of Arts and Precepts; or Speech that is framed after the imitation of some pattern of Eloquence, though never so excellent; all this hath somewhat servile and holding of the Subject. But your Majesties manner of Speech is indeed Prince-like, flowing as from a Fountain, and yet streaming and branching it self into Natures order, full of Facility and Felicity, *Imitating none, and inimitable by any, &c.* And there seemeth to be no little contention between the excellency of your Majesties gifts of Nature, and the universality and perfection of your Learning; for I am well assured of this, that what I shall say is no amplification at all, but a positive and measured truth, which is, *That there hath not been since Christs time, any King or Temporal Monarch, which hath been so learned in all Literature and Erudition, Divine and Humane*: For let a man seriously and diligently revolve and peruse the Succession of the Emperors of *Rome*, of which *Cæsar* the Dictator, who lived some years before

A before Christ, and *Marcus Antonius*, were the best learned; and so descend to the Emperors of *Gracia*, or of the West, and then to the Lines of *France*, *Spain*, *England*, *Scotland*, and the rest, and he shall finde this Judgment truly made: For it seemeth much in a King, if by the compendious extractions of other Mens Wits and Learning, he can take hold of any superficial Ornaments and shews of Learning; or if he countenance or prefer Learning and Learned Men. But to drink indeed of the true Fountain of Learning, nay, to have such a Fountain of Learning in himself, in a King, and in a King born, is almost a miracle; and the more, because there is met in your Majesty a rare conjunction as well of Divine and Sacred Literature, as of Prophane and Humane. So as your Majesty stands invested of that Triplicity which in great veneration was ascribed to the Antient *Hermes*, The Power and Fortune of a King, the Knowledge and Illumination of a Priest, and the Learning and Universality of a Philosopher. This Propriety inherent and individual Attribute in your Majesty, deserveth to be expressed not onely in the Fame and Admiration of the present time, nor in the History or Tradition of the Ages succeeding, but also in some solid Work, fixed Memorial, and Immortal Monument, bearing a Character or Signature, both of the Power of a King, and the Difference and Perfection of such a King.

Memoria Justi cum laudibus, & impiorum nomen putrescit.

C He that hath lately writ the History of *Great Britain*, thus expresseth himself concerning King *James*.

D **H**E was a King in understanding, and was content to have his Subjects ignorant in many things; as in Curing the *Kings Evil*, which he knew a device to ingrandize the vertue of Kings when Miracles were in fashion; but he let the World believe it, though he smiled at it in his own Reason, finding the strength of imagination a more powerful agent in the Cure, then the Plaisters his Surgeons prescribed for the Sore. It was a hard question, whither his Wisdom and Knowledge exceeded his Choler and Fear; certainly the last couple drew him with most violence, because they were not acquisitious, but natural; if he had not had that allay, his high towering and mastering Reason had been of a rare and sublimed excellency; but these Earthly dregs kept it down, making his Passions extend him as far as Prophaneness (that I may not say Blasphemy) and Policy superintendent of all his Actions, which will not last long, (like the violence of that humor) for it often makes those that know well, to do ill, and not be able to prevent it.

E He had pure Notions in Conception, but could bring few of them into action, though they tended to his own preservation; for this was one of his Apothegms which he made no timely use of, [*Let that Prince that would beware of Conspiracies, be rather jealous of such whom his extraordinary favors have advanced, then of those whom his displeasure hath discontented. These want means to execute their pleasures, but they have means at pleasure to execute their desires.*] Ambition to rule is more vehement then Malice to revenge: Though the last part of this Aphorism he was thought to practise too soon, where there were no causes for prevention and neglect too late when time was full ripe to produce the Effect.

F Some paralleld him to *Tiberius* for Dissimulation, yet Peace was maintained

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maintained by him, as in the time of *Augustus*, and Peace begot Plenty, and Plenty begot Ease and Wantonness, and Ease and Wantonness begot Poetry, and Poetry swelled to that bulk in his time, that it begot strange monstrosities Satyrs against the Kings own person, that haunted both Court and Countrey; which expressed, would be too bitter to leave a sweet perfume behind him. And though bitter ingredients are good to imbalm and preserve dead Bodies, yet these were such as might endanger to kill a living Name, if Malice be not brought in with an Antidote. And the Tongues at those times more fluent than my Pen, made every little miscarriage (being notable to discover their true operations, like small Seeds hid in Earthy darkness) grow up and spread into such exuberant Branches, that evil report did often perch upon them. So dangerous it is for Princes by a remiss comportment, to give growth to the least Error; for it often proves as fruitful as Malice can make it.

But alas good King! Here was an end of his Earthly Empire, and little did he imagine that the last period to *Great Britains* Monarchy, should not much exceed the time of his own Reign, and in the true extent come short of it.

There is a Book said to be writ by a Knight of *Kent*, and intitled *King James Court*, which renders a further Character of that King; we forbear to particularize any thing thereof (no name being put to the Book) but leave the Reader to his freedom.

The Bishop of *Lincoln*, then Lord Keeper of the Great Seal of *England*, in his Sermon at King *James* Funeral, speaking of *Solomon* and King *James*, (his Text being *1 Kings* 11. 41, 42, 43.) hath these Expressions.

I Dare presume to say, you never read in your lives, of two Kings more fully parallel'd amongst themselves, and better distinguished from all other Kings besides themselves. King *Solomon* is said to be *Unigenitus coram Matre sua*, the only Son of his Mother, *Prov.* 4. 3. So was King *James*. *Solomon* was of Complexion white and ruddy, *Cant.* 5. 10. So was King *James*. *Solomon* was an Infant-King, *puer parvulus*, a little Child, *1 Chron.* 22. 5. So was King *James* a King at the Age of Thirteen Moneths. *Solomon* began his Reign in the life of his Predecessor, *1 Kings* 1. 32. So, by the force and compulsion of that State, did our late Sovereign King *James*. *Solomon* was twice crowned and anointed a King, *1 Chro.* 29. 22. So was King *James*. *Solomons* Minority was rough through the quarrels of the former Sovereign; so was that of King *James*. *Solomon* was learned above all the Princes of the East, *1 Kings* 4. 30. So was King *James* above all Princes in the Universal World. *Solomon* was a Writer in Prose and Verse, *1 Kings* 4. 32. So in a very pure and exquisite manner was our sweet Sovereign King *James*. *Solomon* was the greatest Patron we ever read of to Church and Churchmen; and yet no greater (let the House of Aaron now confess) than King *James*. *Solomon* was honored with Ambassadors from all the Kings of the Earth, *1 Kings* 4. ult. And so you know was King *James*. *Solomon* was a main improver of his home Commodities, as you may see in his trading with *Hiram*, *1 Kings* 5. 9. And God knows it was the daily study of King *James*. *Solomon* was a great maintainer of Shipping and Navigation, *1 King.* 10. 14.

A A most proper Attribute to King *James*. *Solomon* beautified very much his Capital City with Buildings and Water-works, 1 *Kings* 9. 15. So did King *James*. Every man lived in peace under his Vine and his Fig-Tree, in the days of *Solomon*, 1 *Kings* 4. 25. And so they did in the blessed days of King *James*. And yet towards his end, King *Solomon* had secret enemies, *Razan*, *Hadad*, and *Seroboam*, and prepared for a War upon his going to his Grave, as you may see in the Verse before my Text. So had, and so did King *James*. Lastly, Before any Hostile Act we read of in the History, King *Solomon* died in peace, when he had lived about Sixty years, as *Lyra* and *Tostatus* are of opinion; and so you know did King *James*.

B And as for his words and eloquence, you know it well enough; it was rare and excellent in the highest degree. *Solomon* speaking of his own faculty in this kinde, divides it into two severall heads; a ready *Invention*, and an easie *Discharge* and *Expression* of the same. *God hath granted me to speak as I would, and to conceive as is meet, for the things spoken of, Wisd. 7. 15.* And this was eminent in our late Sovereign. His *Invention* was as quick as his first thoughts, and his Words as ready as his *Invention*. *God had given him to conceive*; the Greek word in that place is ἐννοεῖν, that is, to make an *Enthymem* or a short *Syllogism*; and that was his manner. He would first winde up the whole substance of his discourse into one solid and massie *Conception*; and then spread it and dilate it to what compass he pleased; *Profluente & quæ Principem deceret eloquentia* (as *Tacitus* said of *Augustus*) in a flowing and a Princely kinde of *Elocution*. Those *Speeches* of his in the Parliament, Star-Chamber, Council Table, and other Publick Audiences of the State (of which, as of *Tullies* Orations, *Ea semper optima, quæ maxima*, the longest still was held the best) do prove him to be the most powerful Speaker that ever swayed the Scepter of this Kingdom. In his *Stile* you may observe the *Ecclesiastes*, in his Figures the *Canticles*, in his Sentences the *Proverbs*, and in his whole Discourse *Reliquum verborum Solomonis*, all the rest that was admirable in the *Eloquence* of *Solomon*.

D How powerfully did he charge the Prince with the care of Religion and Justice, the two Pillars (as he termed them) of his future Throne? How did he recommend unto his love, the Nobility, the Clergy, and the Community in the general? How did he thrust, as it were, into his inward bosom, his Bishops, his Judges, his near Servants, and that * *Disciple* of his whom he so loved in particular? and concluded with that Heavenly Advice to his Son, concerning that great act of his future Marriage, *To marry like himself, and marry where he would*: But if he did marry the Daughter of that King, he should marry her Person, but he should not marry her Religion.

* The Duke of Buckingham.

F Having in our Collections met with the Transcript of a Letter from King *James* to Pope *Clement*, dated Anno 1599. We have thought fit (though it be not placed in order of time) to conclude his Reign with it, and with the Instructions given to Mr. *Drummond* who was sent with the same to *Rome*.

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*Jacobus Rex, Clementi
Papæ.*

BEatissime Pater, cum variis ad nos perlatum fuisset rumoribus, quàm diligenter nostræ fortis amuli sæpius egissent, ut auctoritatis vestræ acies in nos distringeretur, quaque constantia id pro vestra prudentia hætenus fuerit recusatum: Committere noluimus quin accepti memores beneficii gratias ageremus, opportunam nacti occasionem, cum lator præsentium, natione nostras, vester ascriptitius, in fines ditionis vestræ reverteretur; quem pro sua indole vestris ornatum beneficiis vestræ Sanctitati Commendamus, ut eum in iis quæ nostro nomine habet impartienda, audire placide non dedignetur: Et quia adversus malevolorum calumnias, qui nostras in Catholicos injurias commemorando, nobis invidiam, & ipsis gratiam conciliant, nullum tutius remedium agnoscimus, quàm ut è nostratibus aliqui, veritatis studiosi, quantumvis à Religione quam nos à prima hausimus Infantia, abhorrentes, honestam in curia *Romana* demorandi occasionem semper haberent, ex quibus vestra Sanctitas certo possit, in quo statu res nostræ sint, ediscere; hoc nomine Episcopum *Vazionensem* vobis commendamus, qui ut fortis suæ quæcunque incrementum vestræ Sanctitati duntaxat refert acceptum, ita Cardinalatus honorem prioribus beneficiis, nostra præsertim gratia, adjici obnixe rogamus. Sic Inimicorum cessabunt Calumniæ, præsentibus qui rerum gestorum veritatem possint adstruere. Nec actionum nostrarum ullam æquos rerum æstimatores cupimus latere, qui in ea Religionis, quam profitemur, puritate enutriti, sic semper statuimus nihil melius tutiusque quam citra fucum in iis pro-

*King James Letter to
Pope Clement.*

Most Holy Father, having understood by several Reports how diligent the Rivals of our Condition have been, that the Sword of your Authority should be unsheathed against us; and with what constancy your Prudence hath hitherto refused it; we could do no less then return thanks for such a good turn received; especially upon so fair an occasion, when the Bearer of these, a Scotchman by Nation, but a Roman by Adoption, was returning unto your Dominions; we recommend him to your Holiness (to whom for his good parts you have already been beneficial) that you would attentively hear him in those things which he shall deliver in our Name: And because we know there is no better remedy against the Calumnies of ill Willers, (who by commemorating our injuries done to Catholicks procure envy to us, and thank to themselves) then that some of our Countreymen Zealous of the Truth, though differing from the Religion which we have sucked from our Infancy, should have an honorable occasion of making their abode in the Court of Rome, from whom your Holiness may be certainly informed of the state of our Affairs. In this regard we recommend unto you the Bishop of Vazion, who as he doth impute whatsoever increase of his condition to your Holiness alone; so we are earnest Suitors, that for our sake especially, the honor of a Cardinals Cap may be added to his former advantages. By this means the Calumnies of our Enemies will cease, when such are present with you, who may be able to assert the truth of our doings. We do not desire any of our actions should be concealed from just Arbitrators; for though we have been bred up in the truth of that Religion which we now profess, yet we have always determined

23 *Jacobi.*

A determined that there is nothing better and safer; then piously and without ostentation, to endeavor the promoting of those things which really belong to the glory of Gods Name, and laying aside the goards of Envy, and applying the warmth and fomentation of Charity, diligently to consider what belongeth not to the empty name of Religion, but to the holy Symbol of true Piety. But because we have discoursed more at large of these things with the bearer hereof, a man not unlearned, and indifferently well conversant in our Affairs, we have thought best to be no more tedious by a long Letter.

Your Holiness
most dutiful Son

J. R.

From Holy Rood,
24 Sept. 1599.

promovendis, quæ Divini Numinis gloriam serio spectant, pie contendere, & remotis invidiæ stimulis, non tam quid Religionis inane nomen, quam veræ pietatis Sacrosancta tessera requirat, charitatis semper adhibito fomento, diligenter considerare. Sed quia de his copiosius cum latore præsentium, viro non inerudito, & in rebus nostris mediocriter versato, differuimus, longioris Epistolæ rædico censuimus abstinendum.

Beatudinis vestræ obsequentissimus Filius

F. R.

E Sancta Cruce,
24 Sept.
1599.

C **T**His Letter was conveyed by Edward Drummond the Lawyer, whom the King sent to the Pope, the Duke of Tuscany, the Duke of Savoy, and other Princes and Cardinals.

D First, You shall most respectfully Salute in our Name the Pope, and those other Princes and Cardinals; and having delivered our Letters of Credence, shall signifie,

E That we exceedingly desire to reserve with them the measure of Love, and good Will, which is fitting to remove not onely all suspicion, but any thing that may be the cause of Suspicion.

F That although we persist in the Religion which we suck'd in from our Infancy, yet we are not so void of Charity, but to think well of all Christians if so be they continue in their duty, first towards God, and then towards the Magistrate, whose Subjects they are.

That we never exercised any cruelty against the Catholicks, for Religion sake.

And

Summa mandatorum Edwardi Drummond Jurisconsulti, quem ad Pontificem Maximum, Ducem Etruriæ, Ducem Sabaudia, cæterosque Principes & Cardinales ablegamus.

Salutabis imprimis nostro nomine quàm potes officiosissimè, Pontificem Maximum, cæterosque Principes & Cardinales; datisque nostris literis fiduciariis significabis,

Capere nos vehementer eum, quem decet, amoris & benevolentia modum cum iis conservare, omnemque remove non suspicionem modo, sed & suspicionis levissimam quamcunque occasionem.

Quod quamvis in ea persistimus Religione, quam à teneris hausimus annis, non tamen ita esse Charitatis expertes, quin de Christianis omnibus bene sentiamus; modo in officio primum erga Deum Optimum Maximum, deinde erga Magistratus, quorum subsunt imperio, permanferint.

Nullam nos unquam sævitiam contra quoscunque Catholicos Religionis ergo exercuisse.

Y 2

Et

Instructions to
Mr Drummond.

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Et quia plurimum interest nostra ut per diligentia qua malevoli mentiuntur, nos per amicos & subditos veritatem possimus adituere; idcirco inniteris in hoc totis viribus ut Pontifex Maximus tam rogatu nostro quam precibus Illustrissimorum Principum, quos per literas nostras ad hoc rogavimus, ad hoc induci possit ut Episcopus Vazionensis in Cardinalium Collegium adsciscatur; in quo si profeceris, ut de eo redditi fuerimus certiores, ulterius progrediemur. Cavebis ne in hoc negotio ad Pontificem Maximum, aut Illustrissimos Cardinales, ulterius progrediaris, nisi prius sublit certa spes optati eventus.

And because it doth very much concern us, that we may be able to assert the truth by our Friends and Subjects, with the same diligence that slanderers lie; therefore you shall endeavor to the utmost to perswade the Pope, as well at our entreaty, as for the desire of these most Illustrious Princes, whom in our Letters we have solicited in our behalf, to make the Bishop of Vazion Cardinal, wherein if you be successful, as soon as we shall be certified thereof, we will proceed further. You must be cautious not to proceed any further in this business, either with the Pope or the most Illustrious Cardinals, unless there be a certain hope of our wished event.

Historical

Historical Collections.

Primo CAROLI.



ON the same day when King *James* departed this life at *Theobalds*, the Lord President of the Council, and the Lord Marshal of *England*, were immediately sent by the Body of the Council to Prince *Charles*, who was then retired to his Chamber, to give him notice of his Fathers decease, and that they were all there ready to present themselves unto him, if his pleasure were to admit them; but he being in sadness, wished them to forbear their coming till the next morning. In the mean time,

The Privy-Counsellors present themselves to King *Charles*.

the Privy-Counsellors assembled themselves, drew up the form of a Proclamation to proclaim King *Charles*, which was forthwith published at the Court-Gate at *Theobalds*; which being done, the King signified his pleasure, that the Lord Keeper, the Lord Treasurer, the Lord President, the Lord Chamberlain, the Treasurer of the House, and the Comptroller should attend him; they all came and rendred up their Offices and Places to him, which his Majesty presently restored to them again. The Privy-Counsellors gave notice to the Lord Major of *London*, that he and all the Aldermen should that day appear in their Robes at *Ludgate*, whither the Lords and others would repair, to proclaim King *Charles*: Accordingly, the Lords went from *Theobalds* to the Palace of *Whitehall*, where the Nobility then about *London* were gathered together.

King *Charles* proclaimed at *Theobalds*.

At *Whitehall*-Gate the King was proclaimed by sound of Trumpet, all the Nobility, Privy-Counsellors and Gentry being on Horse-back, went thence, and proclaimed the King at *Charing-Cross*, *Denmark-house*, *Temple-Bar*, at the great Conduit in *Fleetstreet*, and thence they rode up to *Ludgate*, where the Lord Major and Aldermen were on Horse-back, expecting within the Gates, and the Lords and others entered and proclaimed him there, and then they rode all to *Cheapside-Cross*, where they proclaimed the King again; and the Lords returning thence, left order with the Lord Major to go on with the Proclamation in other parts of the City.

At *Whitehall*.

In *London*.

The same day King *Charles* removed from *Theobalds*, and came to *St James's* in the Evening, and the Corps of the deceased King remained at *Theobalds*, attended by all the Servants in Ordinary.

The day following, the Privy-Counsellors to the late King, with all the Lords Spiritual and Temporal then about *London*, were in the Council Chamber at *Whitehall* by Eight of the Clock in the morning, ready to go together, and present themselves to his Majesty; but there came in the mean a Commandment from the King, by the Lord *Conway* and Sir *Albertus Morton*, Principal Secretaries of State to the

The old Privy-Council new (worn).

deceased

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deceased King ; that the Lord Keeper of the Great-Seal should be sworn of his Majesties Privy-Council, and that he should give the Oath to the Lord President, by whom all the rest of the late Kings Council should be sworn Counsellors to his present Majesty : The Lord Keeper of the great Seal, the Lord President, the Lord Arch-bishop of *Canterbury*, the Lord Treasurer of *England*, the Lord Privy-Seal, the Duke of *Buckingham* Lord Admiral of *England*, the Earl of *Pembroke* Lord Chamberlain, the Earl of *Montgomery*, the Earl of *Kellye*, the Earl of *Arundel* Earl Marshal of *England*, the Lord Viscount *Grandison*, the Lord *Conwey*, the Lord *Brook*, Mr Treasurer, Mr Comptroller, the Master of the Wards, Mr Secretary *Morton*, Mr Chancellor of the Exchequer, and the Master of the Rolls, were this day sworn accordingly ; the Lord Keeper did take an Oath apart, as Lord Keeper of the Great Seal ; the Lord Treasurer, as Lord Treasurer of *England* ; the Lord President, as Lord President of the Kings Privy-Council, and the Lord *Conwey*, and Sir *Albertus Norton*, as principal Secretaries of State ; the Lords which were not of his Majesties Privy-Council repaired by themselves to St *James's*, and presented themselves to the King, and kissed his hand.

The Councils
advice to the
King.

The Council sat immediately, and advised of the most important and pressing matters to be offered to the King for his present service, and resolved upon these particulars.

That a Commission be granted to authorize the Great-Seal, Privy-Seal, and Signet, till new ones be prepared ; also Commissions for authorizing of Judges, Justices of Peace, Sheriffs, and other such Officers for Government ; that there be a general Proclamation for continuation of Proceedings, preservation of Peace, and administration of Justice ; that Letters be prepared for the Ambassadors with foreign Princes, to authorize their services to the King ; that special Messengers be sent unto foreign Princes ; that the like Proclamations to those of *England*, be sent into *Scotland* ; that Commissions be renewed into *Ireland*, to the Deputy and Officers there ; that the Mint for Coyning of money go on, and all things be mannaged by the Officers as then they stood, till the Kings pleasure be further known ; that a Parliament be summoned when the King shall appoint ; that the Kings pleasure be known concerning the time of his Fathers Funeral, and where the Corps shall rest in the mean time, as also the time of his Majesties Coronation.

This being done, the whole Council attended the King at St *James's*, where the Lord Keeper, in the name of all the rest, presented their humble thanks, that it had pleased his Majesty to have affiance in those that had been Counsellors to his Father, to receive them all to be of his Privy-Council ; the Lord President represented to the King the matters before mentioned, which the King allowed, and gave order, that those of them which required speed should be put in execution, and most of the powers he signed presently : And first, because by the death of the late King, the Authorities and powers of the greatest number of Offices and places of Government did cease and fail, by the failing of the Sovereign Person from whom the same were derived ; a Proclamation issued forth, signifying his Majesties pleasure, that all persons whatsoever, who at the decease of the late King were invested in any Office or Place of Government Civil or Martial within

Proclamation
concerning
Persons in
Office, &c.

within the Realms of *England* and *Ireland*, and namely, Presidents, Lieutenants, Vice-Presidents, Judges, Justices Sheriffs, Deputy Lieutenants, Commissaries of Musters, Justices of Peace shall continue in their several Offices, till his Majesties pleasure were further known. In another Proclamation of the same date, the King took notice of his Fathers death, and that he being his onely Son, and undoubted Heir, is invested and established in the Crown Imperial of this Realm, and all

i Caroli.

Proclamation
of Govern-
ment.

A other his Majesties Realms, Dominions and Countries, with all the Royalties, Preeminencies, Stiles, Names, Titles and Dignities to the same belonging; and he declared, That as he for his part shall by Gods grace shew himself a most benign and gracious Sovereign Lord to all his good Subjects, in all their lawfull Suits and Causes; so he mistrusteth not, but that they on their parts will shew themselves unto him their natural Liege Lord, most loving, faithfull, and obedient Subjects.

B The Council resolved to move the King, that his Fathers Funeral might be solemnized within five weeks, and within a few dayes after the Ceremonial Nuptials in *France*, and before the Parliament began in *England*: These Resolves the Lord President represented unto the King, who accepted of the advices, and said, he would follow them. Moreover, he summoned a Parliament to begin the seventeenth of *May*; but by the advice of his Privy-Council, Prorogued it to the one and thirtieth of *May*, afterwards to the thirteenth of *June*, and then to the eighteenth of the same moneth; which Prorogations were occasioned by the Kings going to *Dover* to receive the Queen.

Resolution
taken by the
King concern-
ing King
James Func-
ral, and his
own Marri-
age.

A Parliament
summoned.

C *April 23.* The Body and Herse of King *James* was brought from *Theobalds* to *London*, being conducted by the Officers of the Guard of the Body, all in Mourning, every one having a Torch, and attended by all the Lords of the Court, and great numbers of other persons of quality, and was placed in *Denmark-House* in the Hall of the deceased Queen *Anne*.

King *James*
Funeral.

D The seventh of *May* was the day of Burial, the Body and Herse were taken from the said Hall of State, and brought in great Pompe and Solemnity to *Westminster*, where the Kings of *England* use to be interred: The new King, to shew his Piety towards his deceased Father, was content to dispence with Majesty; he followed in the Rear, having at his right hand the Earl of *Arundel*, at his left the Earl of *Pembroke*, both Knights of the Garter; his Train was born up by twelve Peers of the Realm: So King *James*, who lived in Peace, and assumed the title of *Peace-maker*, was peaceably laid in his Grave in the Abby at *Westminster*.

E King *Charles* in his Fathers life time was linked to the Duke of *Buckingham*, and now continued to receive him into an admired intimacy and dearnets, making him Partaker of all his Counsels and Cares, and Chief Conductor of his Affairs; an Example rare in this Nation, to be the Favorite of two succeeding Princes.

Duke of *Buck-
ingham* contin-
ues Favorite
to King
Charles.

F The Publick State of Religion, and the steering of Church-matters, had an early inspection and consultation in the Cabinet Council. Bishop *Laud*, who, in King *James*'s life time had delivered to the Duke a little book about Doctrinal *Puritanism*, now also delivered to the Duke a Schedule, wherein the names of Ecclesiastical persons were written under the letters *O* and *P*, *O* standing for Orthodox, and *P* for Puritans; for the

Religion con-
sidered.

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A general
Muster.

Duke commanded that he should thus digest the names of eminent persons to be presented unto the King under that Partition.

King *Charles* in the entrance of his Reign proceeds with preparations for a War, begun in his fathers time; the Militia of the Kingdom, through the long continued Peace was much decayed, and the Musters of the Trained-bands were slight and seldom taken, and few of the Commons were expert in the use of Arms; wherefore the Lords Lieutenants were commanded, by order of the Council, to make a general Muster of the Trained Horse and Foot in their several Counties, and to see to the sufficiency of the Men, Horse, and Arms, and that all be compleat according to the best modern form, and be in readines for all occasions, and especially now the affairs of *Christendom* stand upon such uncertain Terms; and more particularly, that the Maritime Towns be well manned, and their men duely exercised; and the King declared his will and pleasure, that the Lord Lieutenants of the several Shires, should have the nomination of their Deputy Lieutenants.

Souldiers le-
vied for the
Palatinate.

In the beginning of *May* Warrants were issued forth for a Leavy of Souldiers, to be imployed in the service of his Majesties Brother and Sister, the Prince and Princess *Palatine*, whereof eight thousand were pointed to Rendezvous at *Plymouth* by the five and twenty of this Moneth, and the charge of Coat and Conduct was ordered to be disbursed by the Country, and the Country to be repaid out of the Kings Exchequer, after the President of former times; in like manner, two thousand men were appointed to Rendezvous at the Port of *Hull*, to be transported into the *Netherlands* for the service of the United-Provinces, and two thousand were to be returned thence into *England* for his Majesties present service; the mingling of a good proportion of old Souldiers and Officers, with the new raised Companies, was the ground of this exchange.

Proclamation
against disor-
ders commit-
ted by Sould-
iers.

The remembrance of the late violence committed by Count *Manfield's* Army in their passage to *Dover*, occasioned a Proclamation to repress and prevent the like attempts of Soldiers, as they now passed through the Counties to the places of their Rendezvous, threatening the Offenders with the strictest proceedings against them for an Example of Terror, and straitly commanding the Officers who have the charge of the Conduct, for the removing of all occasions and pretences of disorders, to see their Companies duely paid, and provided of all necessaries, and to be alwayes present with them, and carefully to conduct them from place to place; in like manner to prevent their Outrages when they should come to *Plymouth*, or the parts adjoyning, a Commission was sent, empowering persons of trust, upon any robbery, felony, mutiny, or other misdemeanors (punishable with death by Martial Law) committed by the Souldiers, or other dissolute persons joyned with them, to proceed to the trial and condemnation of all such Delinquents, in such Summary course and order, as is used in Armies in time of War, according to the Law Martial; and to cause Execution to be done in open view, that others may take warning and be kept in due obedience.

Articles of the
marriage
with *France*,
signed by the
King.

The consummation of King *Charles* his Marriage with *Henrietta Maria*, Daughter of *France*, was near at hand. The Treaty had proceeded far in his Fathers life time, but was not in all points concluded; the Articles were signed the year before by King *James* on the eleventh of *May*, and by the French King on the Fourteenth

Fourteenth of *August*. On the Thirteenth of *March* this present year, (the Earls of *Carlisle* and *Holland* being then Ambassadors and Commissioners in *France* for this Marriage) King *Charles* signed the Articles.

Besides the general, there were other private Articles agreed upon in favor of the Papists of this Kingdom. "That the Catholicks, as well "Ecclesiasticks as Temporal, imprisoned since the last Proclamation "which followed the Breach with *Spain*, should all be set at liberty.

A "That the English Catholicks should be no more searched after nor "molested for their Religion.

"That the Goods of the Catholicks as well Ecclesiastical as Temporal, that were seized on since the forementioned Proclamation, should "be restored to them.

And on the Tenth of *May*, as the first fruits of this promised Indulgence and favor, the King granted unto Twenty Roman Priests a special Pardon of all Offences committed against the Laws then in force against Papists.

B The Dispensation being come from *Rome* about the beginning of *May*, the Espousals were made in *Paris* by Cardinal *Richelieu*: The Ambassadors having first presented to the King the Contract of Marriage, which was read openly by the Chancellor, and his Majesty of *France* agreed thereunto; The Duke of *Chevereux* likewise shewed his Procuration of power which the King of *England* had given him concerning the said Marriage.

C The Archbishop of *Paris* pretended that it belonged to him to perform this Solemnity; but the Cardinal carried it, as well for the eminencie of his Dignity, as for that he was chief Almoner and prime Curate of the Court.

D Sunday following, the day appointed for these Nuptials, the Bride went from the *Louvre* about Nine in the morning, to be dressed in the Archbishops house; and afterwards the King, Queen, and Princesses, and all the Court in rich Attire, parted likewise from the *Louvre*, and came to the said house of the Archbishop, and thence conducted the Bride to a Theatre erected on purpose before the Frontispiece of *Nostre-Dame*: The Duke of *Chevereux* had Black habit, lined with Cloth of Gold, and beset with Diamonds; The Earls of *Carlisle* and *Holland*, Ambassadors, were both clad in Beaten-Silver, and went on each side of the Duke of *Chevereux*: A Canopy being placed upon the Scaffold, the King of *France* and Monsieur his Brother consigned the Queen of *Great Britain* their Sister into the hands of the Duke of *Chevereux*, and the Marriage was solemnized according to the ordinary Ceremonies of that Church.

E Which being performed, they went in the same order and solemnity to *Nostre-Dame*, the Duke of *Chevereux* going before the King. When they came to the door of the Quire, they made great Reverence to the King and Queen; and then the Ambassadors retired into the Bishops house, while Mass was said in the Church.

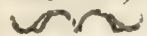
F The Mass being ended, the Duke of *Chevereux* and the Ambassadors came again to the door of the Quire to take their places, and the same Order was observed in returning as in going; And so they came from the Church into the Hall of the Archbishops house, where the Feast Royal was made in as great magnificence as can be expressed. The King sat under a Canopy at the middle of the Table, and the Queen of *Great Britain* at his left hand, and the Queen-Mother at his right; the Duke

i *Caroli.*

Private Articles in favor of the Catholicks.

The Marriage solemnized in *France*.

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of *Chevereux* late next the Queen of *England*, and the Earls of *Carlisle* and *Holland* next to the Duke.

To the intent that all sorts of persons might partake of the Publick Joy, Prisoners for Debts were set at liberty, and Pardon was granted to several Criminals, as an earnest of the Kings respect and love to his Sister, after this new Alliance.

The Duke sent
into *France*
for the Queen.

The Duke of *Buckingham* was sent into *France* to his Christian Majesty, to send away the Wife to the King of *Great Britain*, and to be her Convoy. He arrived at *Paris* the 24. of *May*, with the Earl of *Montgomery* and other English Lords, and was lodged in the Palace of the Duke of *Chevereux*, who with his Lady was to conduct the Queen into *England*, there to render her to the King her Husband. During the seven days stay which the Duke made at *Paris*, the Feasting and Rejoicings were renewed and multiplied, Bonfires shining and Canons playing; but none did equalize the Feast that was made by the Cardinal of *Richelieu*.

The Second of *June* was the time appointed for our Queens departure: The King of *France* sent to the Towns in her way, to render her Majesty all due honors, as if it were to himself.

A Royal Navy
sent to *Bol.ign*
to transport
the Queen.

The King of *England* having notice that the Queen was gone from *Amiens*, sent a Royal Navy to *Boloign* to transport her; the Fleet saluted the Town with a hundred peece of Canon. Among other great Ladies, the Duchesse of *Buckingham* was sent to kiss the Queens hands as from the King her Husband, desiring her to take her own time of coming over with most conveniencie to her own person.

The 22. of *June* (New Stile) the Queen imbarqued at *Boloign*, and within Twenty four hours arrived at *Dover*: And as the King was preparing to receive her, she sent to his Majesty to desire him not to come till the morrow, because she had been somewhat indisposed at Sea. She passed that night at *Dover*, and the next day about Ten of the clock the King was there with the Flower of the Nobility, and after some Complements past, caused every-body to retire, and they were half an hour together in the Closet.

The Marriage
consummated
at *Canterbury*.

Thence his Majesty conducted the Queen to *Canterbury*, and the same evening the Marriage was there consummated.

Then the Queen, in testimony of her respect and love to the King her Husband, made it her first suit, (as afterwards the King made known) That he would not be angry with her for her faults of Ignorance, before he had first instructed her to eschew them; For that she being young, and coming into a strange Country, both by her years, and ignorance of the Customs of the Nation, might commit many Errors: And she desired him in such cases to use no Third person, but by himself to inform her, when he found she did ought amiss. The King granted her request, and thanked her for it, desiring her to use him even as she had desired him to use her; which she willingly promised.

The Trained
Bands of *Kent*
commanded
to attend the
Queen.

The Knights and Gentlemen of *Kent*, together with the Trained Bands, were by Order of the Council commanded to attend and receive the Queen at the most convenient places as she passed, in such solemn manner and equipage as befemed the dignity of his Majesty, and the quality of her person. Likewise the Magistrates of the Cities and Towns were commanded to attend at her passage, in such Formalities as are used in principal and extraordinary Solemnities.

The King and
Queen come
to *London*.

On the Sixteenth of *June*, the King and Queen came both to *London*: Great preparations were made and intended for her Majesties reception;

reception; but the Plague then increafing, thofe Ceremonies were laid afide.

A Chappel at *Somerfet-houfe* was built for the Queen and her Family, with Conveniencies thereunto adjoining for *Capuchin-Friers*, who were therein placed, and had permission to walk abroad in their Religious habits. Thence-forward greater multitudes of *Seminary-Priests* and *Jefu-ites* repaired into *England* out of *Forein* parts.

I Caroli.

A Chappel built at *Somerfet-houfe* for the Queen.

A This Summer, the Pestilence raged in *London*. At the entrance of the late King there was a great Plague in the City, but this was far greater, and the greateft that ever was known in the Nation: For which caufe a great part of *Trinity-Term* was adjourned from the First Return to the Fourth, by the advice of the Privy-Council and the Juftices of the Courts at *Westminfter*; and fome few days in the beginning and ending thereof were holden for the better expediting and continuing of Caufes and Suits, and the returning and fuing out of Proceffes, and fuch like bufinefs as might be done in the abfence of the Parties by their Attornies.

A great Plague in *London*.

B On the Eighteenth day of *June*, the Parliament began at *Westminfter*. The King being placed in his Royal Throne, the Lords fitting in their Robes, the Commons alfo being prefent, his Majesty fpake thus.

The Parlia-ment opened.

C " I Thank God, that the Bufinefs to be treated on at this time is of
" fuch a nature, that it needs no Eloquence to fet it forth; For I am
" neither able to do it, neither doth it ftand with my Nature to fpend
" much time in words. It is no new bufinefs, being already happily begun
" by my Father of bleffed memory, who is with God; therefore it needeth
" no Narrative: I hope in God you will go on to maintain it, as freely as
" you advifed my Father to it. It is true, He may feem to fome to have
" been slack to begin fo juft and fo glorious a work; but it was his wif-
" dom that made him loth to begin a work, until he might find a means
" to maintain it: But after that he faw how much he was abufed in the
" confidence he had with other States, and was confirmed by your Advice
" to run the Courfe we are in, with your Engagement to maintain it, I
" need not prefs to prove how willingly he took your Advice; for, the
" Preparations that are made are better able to declare it, then I to fpeak
" it. The affiftance of thofe in *Germany*, the Fleet that is ready for action,
" with the reft of the Preparations which I have only followed my Father
" in, do fufficiently prove that he entred into this Action.

The Kings Speech in Parliament.

E " My Lords and Gentlemen, I hope that you do remember that you
" were pleafed to imploy me to advife my Father to break off thofe two
" Treaties that were on foot; fo that I cannot fay, that I came hither
" a free unengaged man. It's true, I came into this bufinefs willingly and
" freely like a Young man, and confequently rashly; but it was by your
" intereft, your engagement: So that though it were done like a Young
" man, yet I cannot repent me of it, and I think none can blame me for it,
" knowing the love and fidelity you have borne to your King, having
" F " my felf likewise fome little experience of your affections. I pray you
" remember, that this being my first Action, and begun by your Advice
" and intreaty, what a great Difhonor it were to you and me, if this
" Action fo begun fhould fail for that Affiftance you are able to give me.
" Yet knowing the conftancie of your love both to me and this Bufinefs,

" I

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"I needed not to have said this, but only to shew what care and sense I have of your Honors and mine own. I must intreat you likewise to consider of the Times we are in, how that I must adventure your lives (which I should be loth to do) should I continue you here long; and you must venture the Business, if you be slow in your resolutions. Wherefore I hope you will take such grave Counsel, as you will expedite what you have in hand to do: Which will do me and your selves an infinite deal of honor; You, in shewing your love to me; and me, that I may perfect that work which my Father hath so happily begun.

"Last of all, Because some malicious men may, and as I hear, have given out, that I am not so true a Keeper and Maintainer of the true Religion that I profess; I assure you that I may with S. Paul say, that I have been trained up at Gamaliels feet; And although I shall be never so arrogant as to assume unto my self the rest, I shall so far shew the end of it, that all the World may see, that none hath been, nor ever shall be more desirous to maintain the Religion I profess, then I shall be.

"Now because I am unfit for much speaking, I mean to bring up the fashion of my Predecessors, to have my Lord Keeper speak for me in most things: Therefore I have commanded him to speak something unto you at this time, which is more for formality, then any great matter he hath to say unto you.

The Lord
Keepers
Speech in
Parliament.

Then the Lord Keeper *Coventry* declared, "That the Kings main reason of calling the Parliament, besides the beholding of his Subjects faces, was to mind them of the great Engagements for the Recovery of the *Palatinate*, imposed on his Majesty by the late King his Father, and by themselves who brake off the two Treaties with *Spain*. Also to let them understand, That the succeeding Treaties and Alliances, the Armies sent into the *Low-Countries*, the repairing of the Forts, and the Fortifying of *Ireland*, do all meet in one Centre, *The Palatinate*; And that the Subsidies granted the last Parliament, are herein already spent, whereof the Accompt is ready, together with as much more of the Kings own Revenue. His Lordship further commended three Circumstances:

"First, *The Time*; All *Europe* being at this day as the Pool of *Bethesda*, the first stirring of the waters must be laid hold on: Wherefore his Majesty desires them to bestow this Meeting on him, or rather on their Actions; and the next shall be theirs, as soon, and as long as they please, for Domestick business.

"Secondly, *Supply*: If Subsidies be thought too long and backward, his Majesty desires to hear, and not to propound the way.

"Thirdly, *The Issue of Action*; which being the first, doth highly concern his Majesties Honor and Reputation, for which he relies upon their Loves with the greatest confidence that ever King had in his Subjects; witness his Royal Poësie, *Amor Civium Regis Munimentum*: And he doubts not but as soon as he shall be known in *Europe* to be their King, so soon shall they be known to be a loving and loyal Nation to him.

Sir Tho. Crew
Speaker.

June 21. The Commons presented Sir *Thomas Crew* Knight and Serjeant at Law for their Speaker, (who was also Speaker in the last Parliament of King *James*) and his Majesty approved the Choice.

After

i Caroli.

Debates in the House of Commons.

After the House of Commons had settled their General Committees, there were various Debates amongst them : Some insisted upon the Grievances mentioned, but not redressed by King *James* in the last Parliament; others pressed for an account of the last Subsidies granted for recovery of the *Palatinate*; others for the putting of Laws in execution against Priests and Jesuits, and such as resorted to Ambassadors Houses, and the questioning of Mr. *Richard Montague*, for his Book intituled *An Appeal to Cæsar*; which (as they said) was contrived and published to put a jealousy between the King and his well-affected Subjects, and contained many things contrary to the Articles of Religion established by Parliament; and that the whole frame thereof was an encouragement to Popery.

A

Others again declared, how the King no sooner came to the Crown, but he desired to meet his people in Parliament, it being the surest way to preserve a right understanding between him and them; that since he began to reign, the Grievances are few or none; and when he was Prince, he was observed to be very instrumental in procuring things for the Subjects benefit. Wherefore it will be the wisdom of this House to take a course to sweeten all things between King and People, and to express their duty to the King by giving Supply, and therewith to offer nothing but a Petition for Religion, that Religion and Subsidies may go hand in hand. And whatsoever they did, it was needful to do it quickly, considering how greatly the Plague increased, and the Bell was tolling every minute while they were speaking.

B

The Commons moved the Lords to joyn in a Petition to the King for a Publick Fast, whereunto their Lordships readily concurred; and the King consenting, a Proclamation was issued forth for a Fast throughout the Kingdom.

A Fast.

Several particular Committees were appointed. One to enquire of the Subsidies given the last Parliament, another to consider of Tonnage and Poundage. The Imposition on Wines was Voted upon the Merchants Petition, to be presented as a Grievance.

Committees chosen.

D

Sir *Edward Cook* went to the House of Peers with a Message from the Commons, desiring their concurrence in a Petition concerning Religion, and against Recufants; which being agreed unto and presented to the King, his Majesty answered, That he was glad that the Parliament was so forward in Religion, and assured them they should finde him as forward; that the Petition being long, could not be presently answered.

Message to the King, touching Religion and his Answer.

E

Mr. *Richard Montague* was brought to the Bar of the Commons House for his fore-named Book. This Cause began in the One and twentieth of King *James*, when he had published a former Book which he named *A New Gagg for an Old Goose*, in answer to a Popish Book, intituled *A Gagg for the New Gospel*. The business was then questioned in Parliament, and committed to the Archbishop of *Canterbury*, and ended in an Admonition given to *Montague*.

Mr. *Montague* brought to the Bar.

F

Afterwards the Bishops of the *Arminian* Party, consulting the Propagation of the Five Articles condemned in the Synod of *Dort*, concluded that Mr. *Montague* being already engaged in the quarrel, should publish this latter Book at first attested by their Joynt-Authorities, which afterwards they withdrew by subtilty, having procured the Subscription of Doctor *Francis White*, whom they left to appear alone in the Testimony, as himself oftentimes complained publicly. The Archbishop disallowed the Book, and sought to suppress it; nevertheless, it was Printed and

The *Arminian* party assert his cause.

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The King
takes *Montague's*
business
into his own
hand.

Two Subsidies
presented to
the King.

The King ac-
cepts them,
and desires
more.

A short An-
swer to the
Petition
touching Re-
ligion.

The Parlia-
ment adjourn-
ed to *Oxford*.

The Exche-
quer removed
to *Richmond*.

The *Vanguard*
and seven o-
ther Ships
employed a-
gainst *Rochel*.

Dedicated unto King *Charles*, whereby that party did endeavor to engage him in the beginning of his Reign. The House appointed a Committee to examine the Errors therein, and gave the Archbishop thanks for the admonition given to the Author, whose Books they Voted to be contrary to the Articles established by the Parliament, to tend to the Kings dishonor, and disturbance of Church and State, and took Bond for his appearance.

Hereupon the King intimated to the House, that the things determined concerning *Montague* without his Privy did not please him; for that he was his Servant and Chaplain in Ordinary, and he had taken the business into his own hands, whereat the Commons seemed to be much displeased.

Howbeit, to take away all occasion of disgust from the King at the entrance of his Reign, both Houses did humbly present two Subsidies granted to his Majesty as the first-fruits of their love, whereof they craved acceptance.

The Lord *Conway*, Secretary of State, signified to the House of Lords (the Commons being present) the Kings gracious acceptance of the Bill of Two Subsidies; Yet that the necessities of the present Affairs were not therein satisfied, but required their further Counsels: He reminded them, that the late King was provoked beyond his nature to undertake a War for the recovery of his Childrens Antient Patrimony: The charges of this War appeared by Computation to amount unto Seven hundred thousand pounds a year to support the *Netherlands*, and to prevent the Emperors design of concluding with the Princes of *Germany*, (utterly to exclude the *Palsgrave*) he levied an Army under Count *Mansfield*. The Kings of *Denmark* and *Sweden*, and the Princes of *Germany* levied another; *France*, *Savoy*, and *Venice*, joyned together for a War of Diversion; and to uphold the *Netherlands*, the charges of *Mansfield* and *Denmarks* Army must yet continue.

After this the Lord Keeper delivered a short Message from the King to both Houses, That to the Petition of the Lords and Commons touching Religion, his Majesty was pleased at the first to answer Graciously; but now he hath sent them a fuller Answer, even an assurance of his real performance in every particular.

The Houses were preparing several Acts, as against giving and taking of Bribes for places of Judicature; about pressing of Soldiers, and Tonnage and Poundage, &c. But by reason of the great increase of the Plague, as appeared that week by the Bill of Mortality, the King being moved by the Houses to grant a short Recess, adjourned the Parliament to *Oxford*, to reassemble the first of *August* following.

And for the same reason, the receipt of the Kings Exchequer was removed from *Westminster* to *Richmond*, and all Fairs within Fifty miles of *London* were prohibited to prevent a more general contagion.

In the time of this Recess, the *Vanguard*, a principal Ship of the Royal Navy, with seven Merchant Ships of great burden and strength, were lent to the French King, and employed against *Rochel*, which was thus brought about. King *James* in his life time, being in Treaty for a Marriage between his Son, and the now Queen; and entering into a War against the King of *Spain*, and his Allies in *Italy* and the *Valtoline*, had passed some Promise for the procuring or lending of ships to the French King, upon reasonable Conditions; but in no wise intending they should serve against *Rochel*, or any of our Religion in *France*: For the French

Ministers

Ministers pretended, that the Ships should be employed onely against *Genoa*; but afterwards the Protestants in *France* intimating their suspition, that the design for *Italy* was a meer pretence to make up an Army to fall upon the *Rochellers* and others of the Religion, King *James* willing to perform his promise, and yet to secure the Protestants, directed, that the greater number of those that served in the Ships should be English, whereby he might keep the power in his own hands.

A For the performance of this Engagement, the forenamed Ships were at this time commanded to the Coasts of *France*: Nevertheless there wanted a sufficient care to prevent the abusing and inflaving them to the designs of the French King. Captain *John Pennington*, the Admiral of this Fleet, was much unsatisfied, and presented to the Duke of *Buckingham*, Lord High Admiral, his Exceptions to the Contract between his Majesty and that King, and chiefly for that the Companies were bound to fight at the French Kings Command, against any Nation except their own; and that the French might put aboard them as many of their own people as they pleased. The Vantguard arived at *Deep*, but the rest lingered behinde; for, the Companies understanding that the French design was to surprise the Ships and to block up the Harbor of *Rochel*, resolved to sink rather, then go against those of their own Religion. Captain *Pennington* received Letters from the Duke, and a Warrant from Secretary *Conway* in the Kings Name, to command him to deliver up the Ships to the hands of such Frenchmen as his Christian Majesty shall appoint, but withal directing him not to differt his charge, by which latter passage he was willing to understand, that it was not the Dukes intention that he should dispossess himself and his Companies of them; for he supposed his Grace had no such unjust thought as to continue him there alone.

D These Orders were delivered unto him by the hands of the French Ambassador, together with a Letter from the French King, which will ed him to receive his Soldiers, and his Admiral, the Duke of *Montmorance*, and joyn with his Fleet against his Rebellious Subjects. Whereupon the Ambassador urged the Surrender of the Ship, and nothing would satisfie him, but a present possession, and a discharge of the English Soldiers, save a very few, in case they were willing to be entertained in the service. *Pennington* after much dispute, although he were promised an ample reward in Money to be given him at the Surrender, and of a Royal Pension during his life, came to this resolute Answer; That without an exprefs and clear Warrant he would not surrender nor discharge a man of his Company. Whereupon the French Ambassadors Secretary came two severall times to the Ship to protest against the Captain, as a Rebel to his King and Countrey; but at the making of the last Protest, which was accompanied with threatning Speeches, the Soldiers and Mariners grew into such a fury and tumult, that they got up their Anchors and set sail for *England*, saying, They would rather be hanged at home, then surrender the Ship or be Slaves to the French, and fight against their own Religion.

F All which Captain *Pennington* did not gainsay nor oppose; but when they came to Anchor in the *Downs*, he advertised the Duke of all that had hapned, and craved further direction, but complained of the Bondage of this Engagement, assuring him, That the Mariners would rather be hanged, then return again into *France*: So in all the rest of the Ships, the Captains and Companies utterly refused the Service, and protested

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against it, though they were tempted with Chains of Gold, and other Rewards.

All this while the Body of the Council were ignorant of any other design then that of *Genoa*; then divers persons came over from the Duke of *Rohan*, and the Protestants of *France*, to solicit the King and Council against lending of the Ships, and received fair Answers from them both. But the King sent an expresse and strict Order to *Pennington*, requiring him without delay to put his former Command in Execution, for the consigning of the Ship called the *Vanguard*, with all her furniture, into the hands of the Marquess *D'Effiat*, assuring the Officers of the Ships, that he would provide for their Indempnity; and further commanding him to require the Seven Merchants Ships in his name, to put themselves into the Service of the French King, and in case of backwardness or refusal, to use all means to compel them thereunto, even to their sinking.

Upon this *Pennington* went back to *Deerp*, and put the *Vanguard* into the absolute Power and Command of the French King to be employed in his Service at pleasure, and commanded the rest of the Fleet to the like Surrender. At the first, the Captains, Masters, and owners refused to yield, weighed Anchor, and were making away; but when *Pennington* shot, they came in again, but Sir *Ferdinando Gorge* came away with the Ship called the *Neptune*: The Companies unanimously declined the Service, and quitted the Ships, all but one Man, who was a Gunner; and *Pennington* halted to *Oxford* where the Parliament was Reassembled, but as was voiced, was there concealed till the Parliament was dissolved.

The Parliament meets again at *Oxford*.

On the First of *August* the Parliament Reassembled at *Oxford*, whether the news of the Ships lent to the French against the besieged *Rochellers*, did quickly flie, and exasperate the spirit of that great Assembly against the Duke of *Buckingham*.

Grievances.

The Grievances insisted upon, were the mis-spending of the Publick Treasure, the neglect of guarding the Seas, insomuch that the *Turks* had leisure to land in the Western parts and carry away the Subjects Captives. The Commons appointed a Committee to consider of secret Affairs, and to examine the Disbursements of the Three Subsidies and the Three Fifteens given to King *James*, for the Recovery of the *Palatinate*, and they prepared to assault the Duke. Also Mr. *Richard Montague* was summoned to appear according to the Condition of his Bond, and a Committee was appointed to proceed in the further Examination of that business.

Mr. *Montague* Summoned to appear.

His Cause recommended by the Bishops to the Duke.

Mr. *Montagues* Cause was recommended to the Duke by the Bishops of *Rochester*, *Oxford*, and *St. Davids*, as the Cause of the Church of *England*. They shew that some of the Opinions which offended many, were no other then the resolved Doctrine of this Church, and some of them are curious Points disputed in the Schools, and to be left to the liberty of Learned Men to abound in their own sense, it being the great fault of the Council of *Trent*, to require a Subscription to School Opinions, and the approved Moderation of the Church of *England*, to refuse the apparent Dangers and Errors of the Church of *Rome*; but not to be over-busie with Scholastical Niceties. Moreover in the present case, they alleage, that in the time of *Henry* the Eighth when the Clergy submitted to the Kings Supremacy, the Submission was so resolved, That in case of any difference in the Church, the King and the Bishops were to determine

determine the Matter in a *National Synod*; and if any other Judge in Matters of Doctrine be now allowed, we depart from the Ordinance of Christ, and the continual practice of the Church. Herewithal they intimated, That if the Church be once brought down below her self, even Majesty it self will soon be impeached. They say further, That King *James* in his rare wisdom and judgment approved all the Opinions in this Book; and that most of the contrary Opinions were debated at *Lambeth*, and ready to be published, but were suppressed by Queen *Elizabeth*, and so continued, till of late they received countenance at the Synod of *Dort*, which was a Synod of another Nation; and to us no ways binding, till received by Publick Authority. And they affirm boldly, That they cannot conceive what use there can be of Civil Government in the Commonwealth, or of External Ministry in the Church, if such fatal Opinions as some are, which are opposite to those delivered by Mr. *Montague*, be publickly taught and maintained.

Such was the Opinion of these forenamed Bishops; but others of Eminent Learning were of a different Judgment.

At *Oxford* in a late Divinity Disputation held upon this Question, Whether a Regenerate Man may totally and finally fall from Grace? The Opponent urging the Appeal to *Cesar*, the Doctor of the Chair handled the Appellator very roughly, saying, He was a meer *Grammarians*, a Man that studied Phrases more then Matter; That he understood neither Articles nor Homilies, or at least perverted both; That he attributed he knew not what vertue to the sign of the Cross, *Dignus Cruce qui asserit*; and concluded with an Admonition to the Juniors, That they should be wary of reading that and the like Books.

On the Fourth of *August*, the Lords and Commons were commanded to attend his Majesty in *Christs-Church Hall* in *Oxford*, where he spake unto them in manner following.

The Appeal to *Cesar* disputed.

“MY Lords, and you of the Commons, We all remember that from your Desires and Advice, my Father now with God, brake off those two Treaties with *Spain* that were then in hand: Well you then foresaw, that as well for regaining my dispossessed Brothers Inheritance, as home defence, a War was likely to succeed; and that as your Councils had led my Father into it, so your assistance in a Parliamentary-way to pursue it, should not be wanting. That aid you gave him by Advice, was for succor of his Allies, the guarding of *Ireland*, and the home part, supply of Munition, preparing and setting forth of his Navy. A Council you thought of, and appointed for the War, and Treasurers for issuing of the Moneys: And to begin this Work of your Advice, you gave Three Subsidies, and as many Fifteens, which with speed were levied, and by direction of that Council of War (in which the preparation of this Navy was not the least) disbursed.

The Kings Speech in *Christ-Church*.

“It pleased God at the entrance of this Preparation (by your Advice begun) to call my Father to his Mercy, whereby I entred as well to the care of your Design, as his Crown. I did not then as Princes do of Custom and Formality Reassemble you, but that by your further Advice and Aid, I might be able to proceed in that which by your Counsels my Father was engaged in. Your love to me, and forwardness to further those Affairs, you expressed by a Grant of Two Subsidies yet ungathered; although I must assure you, by my self and others,

“upon

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Lord Conway
and Secretary
Cook, by the
Kings Com-
mand, declare
the present
state of Affairs.

“upon credit taken up and aforehand disbursed, and far short as yet to set
“forth that Navy now preparing; as I have lately the estimate of those
“of care, and who are still employed about it, whose particular of all ex-
“pences about this preparation shall be given you, when you please to
“take an accompt of it.

His Majesty having ended his Speech, commanded the Lord *Conway*,
and Sir *John Cook*, more particularly to declare the present state of Af-
fairs; which was done to this effect.

“**T**hat our Sovereign Lord King *James* of Famous Memory, at
“the Suit of both Houses of Parliament, and by the powerful
“operation of his Majesty that now is, gave consent to break off
“the Two Treaties with *Spain*, touching the Match and the *Palatinate*,
“and to vindicate the many wrongs and scorns done unto his Majesty and
“his Royal Children: Besides, if the King of *Spain* were suffered to pro-
“ceed in his Conquests under pretence of the Catholick Cause, he
“would become the Catholick Monarch which he so much affects, and
“aspires unto. Also amidst these Necessities, our late King considered,
“That he might run a hazard with his people, who being so long inured
“to Peace, were unapt to War; that the uniting with other Provinces
“in this undertaking, was a Matter of exceeding Difficulty. This drew
“him to new Treaties for regaining his Childrens right, which were ex-
“pulsed by the Friends and Agents of *Spain*; and wherein his Majesty
“proceeded as far as the wisest Prince could go, and suffered himself to
“be won unto that which otherwise was impossible for his Royal Nature
“to endure. He considered also the many Difficulties abroad, the Duke
“of *Bavaria* by Force and Contract had the *Palatinate* in his own posses-
“sion, most of the Electors and Princes of *Germany* were joyned with
“him. The Estates of the other Princes most likely to joyn in a War of
“Recovery, were seized and secured, and all by a Conquering Army:
“Besides, the Emperor had called a Diet, in which he would take away
“all possibility of recovering the Honor and Inheritance of the *Palatinate*;
“thus it stood in *Germany*. And in *France* the King there chose to sheath
“his Sword in the Bowels of his own Subjects, rather then to declare
“against the Catholick Cause. In the *Low-Countreys* the Sect of the
“*Arminians* prevailed much, who inclined to the *Papists* rather then to
“their own safety, notwithstanding that the Enemy had a great and
“powerful Army near them; so that his Majesty was inforced to Protect
“and Countenance them with an Army of Six thousand from hence,
“with a Caution of the like Supply from thence, if required. Moreover he
“sought Alliance with *France*, by a Match for his Royal Majesty that now
“is, thereby to have Interest in that King, and to make him a Party. The
“last consideration was his Majesties own Honor, who had labored with
“the two Kings of *Denmark* and *Sweden*, and the *German* Princes, from
“whom he received but cold Answers; they refusing to joyn, unless
“they first saw his Majesty in the Field. But of this he was very tender,
“unless the League were broken, or he first warred upon. The Forces of
“an Army were considered, and the way of proceeding, whether by *In-
“vasion* or *Diversion*: The Charges thereof appeared in Parliament to
“be Seven hundred thousand pounds a year; besides, *Ireland* was to be
“fortified, the Forts here repaired, and a Navy prepared; he thought it
“feasible to enter into a League with the French King, and the Duke of
“*Savoy* and *Venice*. “Here-

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"Hereupon an Army was committed to Count *Mansfield*, the charge whereof came to Seventy thousand pounds a Moneth for his Majesties part; also he commanded the preparing of this great Fleet: All which so heartned the Princes of *Germany*, that they sent Ambassadors to the Kings of *Denmark* and *Sweden*; and those two Kings offered a greater Army both of Horse and Foot, to which his Majesty was to pay a proportion. Count *Mansfield's* Army (though disastrous) produced these happy effects; First, It prevented the Diet intended by the Emperor, Secondly, The *German* Princes gained new courage to defend themselves, and oppose their Enemies. Thirdly, The King of *Denmark* hath raised an Army, with which he is marched in person as far as *Minden*. Moreover, the Confederates of *France* and *Italy* have prosecuted a War in *Milan*, and Peace is now made by the French King with his own Subjects; so that by this means breath is given to our Affairs.

"This Parliament is not called in meer Formality upon his Majesties first coming to the Crown, but upon these Real Occasions to consult with the Lords and Commons; Two Subsidies are already given, and gratically accepted; but the Moneys thereof, and much more are already disbursed. A Fleet is now at Sea and hastning to their Rendezvous, the Army is ready at *Plimouth*, expecting their Commanders. His Majesties Honor, Religion, and the Kingdomes safety, is here engaged; besides, he is certainly advised of Designs to infest his Dominions in *Ireland*, and upon our own Coasts, and of the Enemies increase of Shipping in all parts. These things have called the Parliament hither, and the present Charge of all amounts to above Four hundred thousand pounds; the further prosecution whereof, the King being unable to bear, hath left it to their Consultations. His Majesty is verily persuaded, That there is no King that loves his Subjects, Religion, and the Laws of the Land, better then himself; and likewise that there is no people that better loves their King, which he will cherish to the uttermost. It was thought that this place had been safe for this Assembly, yet since the Sickness hath brought some fear thereof, his Majesty willeth the Lords and Commons to put into the Ballance with the fear of the Sickness, his and their great and weighty occasions.

Then the Lord Treasurer added, "That the late King when he died, was indebted to the City of *London* 120000 l. besides Interest, and indebted for *Denmark* and the *Palatinate* 150000 l. and indebted for his Wardrobe 40000 l. That these debts lie upon his Majesty that now is, who is indebted upon *London* 70000 l. That he hath laid out for his Navy 20000 l. and 20000 l. for Count *Mansfield*. And for Mourning and Funeral expences for his Father 42000 l. For expences concerning the Queen 40000. The Navy will require to set it forth in that Equipage as is requisite for the great Design his Majesty hath in hand, and to pay them for the time intended for this Expedition, 300000 l.

After this Conference, the Commons fell into high Debates, alleaging, That the Treasury was mis-employed; that evil Counsels guided the Kings Designs; that our Necessities arose through Improvidence; that they had need to Petition the King for a strait hand and better Counsel to Manage his Affairs: And though a former Parliament did engage the King in a War, yet (if things were managed by contrary Designs, and the Treasure misemployed) This Parliament is not bound by another Parliament, to be carried blindfold in Designs not guided by sound Counsel;

Lord Treasurer proceeds in that subject.

Debates in the House of Commons, touching the present state of Affairs.

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fel; and that it is was not usual to grant Subsidies upon Subsidies in one Parliament, and no Grievances redressed. There were many Reflections upon the Dukes miscarriages; likewise they reassumed the Debate concerning *Montague*; and they resolved, That Religion should have the first place in their Debates; and next unto it, the Kingdoms Safety, and then Supplies. Other particulars were likewise insisted on, That the King be desired to Answer in full Parliament to the Petition concerning Religion, and that his Answer be Inrolled with the force of an Act of Parliament: Also that the House consider of the new prepared Fleet and Army, and whither intended, no Enemy being yet declared; That great Sums of Money were given for places, to the value of an Hundred and forty thousand pounds at least; that the King should contribute to help the *Palatinate* Cause with his own Estate; that the time of the year was too far spent for the Fleet to go forth in Service; that inquiry be made, whether the Duke brake not the Match with *Spain*, out of Spleen and Malice to Conde *Olivares*; whether he made not the Match with *France* upon harder terms; and whether the Ships lent against *Rochel* were not maintained with the Subsidies given for the relief of the *Palatinate*; that an Advised Counsel for the Government of the present Affairs, and to look into the Kings Estate, is necessary; that his Majesty be desired to give his Answer concerning the Imposition on Wines; and Select Committees draw out these Heads at large to be presented to the King: The doing whereof, they said was no Capitulation with his Majesty, but an ordinary Parliamentary course: Without which, the Commonwealth could never supply the King, nor indeed subsist.

Soon after the Commons had a Conference with the Lords, desiring their Concurrence in presenting to the King, these Matters following.

Complaints against Papists favored, notwithstanding the Kings Answer to the Petition against them.

That notwithstanding the Lords and Commons at their last Meeting this Session, did Petition his Majesty for the advancing of Gods true Religion, and the suppressing of Popery; unto which his Majesty vouchsafed as well from his own Mouth, as by the Lord Keeper, to return such Answer as assured them of his Royal performance; yet at this Meeting they finde, That on the 12 of *July* last his Majesty granted a Pardon unto *Alexander Baker* a Jesuite, and unto Ten other Papists, which (as the Commons have been informed) was gotten by the importunity of some Foreign Ambassador, and passed by immediate Warrant, and was recommended by the Principal Secretary of State, without the payment of the ordinary Fees. And further, That divers Copies of Letters and other Papers being found in the house of one *Mary Estmonds* in *Dorsetshire*, by two Justices of Peace, who thereupon tendred her the Oath of Alleagiance, and upon her refusal committed her to the Constable, from whom she made an escape, and complained to the King. The Principal Secretary did write to those two Justices in favor of her.

Upon these Passages the Commons made Observations; first, upon the date of the Pardon, which was the next day after his Majesties Answer by the Lord Keeper to their Petition concerning Religion; secondly, That the Pardon dispenced with several Laws, as of the 21 and 27 of Queen *Elizabeth*, and of the Third of King *James*, provided to keep the Subjects in due obedience; thirdly, That the Pardon was signed by the Principal Secretary of State; and therefore the Commons declared, that these actings tended to the prejudice of true Religion, his Majesties dishonor, the discountenancing of the Ministers of Justice, the grief of the good people, the animating of the Popish party, who by such examples grew more proud

proud and insolent, and to the discouragement of the High Court of Parliament: All which they humbly desire his Majesty to take into due consideration, and to give effectual and speedy Redress therein.

A The Lord *Conway* principal Secretary of State, being called to give an Account of this business, answered, That he ever hated the Popish Religion; That the Pardon was granted before the King answered their Petition, though it bore not date till afterwards; That the King commanded the doing thereof, and that no Fees should be taken; That he was commanded by the King to write a Letter in favor of the Woman in *Dorset-shire*, and what he did therein was to take off all scandal from the King, though it lighted upon himself.

B This Conference no sooner ended, but both Houses were ordered to meet at *Christ-Church*, to receive an Answer to their Petition concerning Religion; To every Clause whereof his Majesty answered in a Parliamentary way. The Petition, Remedies, and the Kings Answer we give you intermixt, for the better understanding the Answer to every respective Clause distinctly.

To the Kings most Excellent Majesty.

Most Gracious Sovereign,

C **I**T being infallibly true, that nothing can more establish the Throne, and assure the peace and prosperity of the people, then the unity and sincerity of Religion; We your most humble and loyal Subjects, the Lords Spiritual and Temporal, and Commons of this present Parliament assembled, hold our selves bound in conscience and duty to represent the same to your Sacred Majesty, together with the dangerous Consequences of the increase of Popery in this Land, and what we conceive to be the principal Causes thereof, and what may be the Remedies.

The Petition concerning Religion, together with his Majesties Answer.

The Dangers appear in these particulars.

I. In their desperate ends, being both the subversion of Church and State; and the restlessness of their spirits to attain these ends, the Doctrine of their Teachers and Leaders perswading them that therein they do God good service.

E II. Their evident and strict dependencie upon such Foreign Princes as no way affect the good of your Majesty and this State.

III. The opening a way of Popularity to the Ambition of any who shall adventure to make himself Head of so great a Party.

The principal Cause of the Increase of Papists.

F I. The want of the due execution of Laws against Jesuites, Seminary Priests, and Popish Recusants; occasioned partly by the connivencie of the State, partly by defects in the Laws themselves, and partly by the manifold acule of Officers.

II. The interposing of Foreign Princes by their Ambassadors and Agents, in favor of them.

III. Their great Concourse to the City, and frequent Conferences and Conventicles there.

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IV. The open and usual resort to the Houses and Chappels of fozein Ambassadors.

V. The Education of their Childzen in Seminaries and Houses of their Religion in Fozeign parts, which of late have ben greatly multiplied and enlarged for entertaining of the English.

VI. That in some places of your Realm, your people be not sufficiently instructed in the knowledge of true Religion.

VII. The licentious printing and dispersing of Popish and Seditious Books.

VIII. The imployment of men ill-affected in Religion in places of Government, who do, shall, or may countenance the Popish party.

The Remedies against this outrageous and dangerous disease, We conceive to be these ensuing.

I. That the Youth of this Realm be carefully educated by able and Religious Schoolmasters, and they to be enjoined to Catechise and instruct their Scholars in the grounds and principles of true Religion. And whereas by many Complaints from divers parts of the Kingdom it doth plainly appear, That sundry Popish Scholars dissembling their Religion, have craftily crept in and obtained the places of Teaching in divers Countiees, and thereby infected and perverted their Scholars, and so fitted them to be transported to the Popish Seminaries beyond the Seas; That therefore there be great care in Choice and admitting Schoolmasters, and that the Ordinaries make diligent enquiries of their demeanours, and proceed to the removing of such as shall be faulty or justly suspected.

His Majesties Answer.

“ This is well allowed of; And for the better performance of what “ is desired, Letters shall be written to the two Archbishops, and from “ them Letters to go to all the Ordinaries of their severall Provinces to “ see this done; the severall Ordinaries to give accompt of their doings “ herein to the Archbishops respectively, and they to give accompt to “ his Majesty of their proceedings herein.

II. That the antient Discipline of the Universties be restored, being the famous Nurseries of Literature and Vertue.

Ans. “ This is approved by his Majesty; and the Chancellor of “ each Univerfity shall be required to cause due execution of it.

III. That special care be taken to enlarge the Word of God throughout all the parts of your Majesties Dominions, as being the most powerful means for planting of true Religion, and rooting out of the contrary: To which end, among other things, let it please your Majesty to advise your Bishops, by fatherly intreaty and tender usage to reduce to the peaceable and orderly service of the Church, such able Ministers as have ben formerly silenced, that there may be a profitable use of their Ministry in

in these needful and dangerous times; And that Nonresidence, Pluralities and Commendams may be moderated. Where we cannot forbear most humbly to thank your Majesty for diminishing the number of your own Chaplains; not doubting of the like Princely care for the well bestowing of the rest of your Benefices, both to the comfort of the people, and the encouragement of the Universities, being full of grave and able Ministers unfurnished of Livings.

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Ans. " This his Majesty likes well, so as it be applied to such Ministers as are peaceable, orderly, and conformable to the Church-Government. For Pluralities and Nonresidencies, they are now so moderated, that the Archbishops affirm, there be now no Dispensations for Pluralities granted; nor no man now is allowed above two Benefices, and those not above thirty miles distant: And for avoiding Nonresidence, the Canon in that case provided shall be duly put in execution. For Commendams, they shall be sparingly granted, only in such case where the exility and smallness of the Bishoprick requireth. Also his Majesty will cause that the Benefices belonging to him shall be well bestowed. And for the better propagating of Religion, his Majesty recommendeth to the House of Parliament, that care may be taken and provision made, That every Parish shall allow a competent maintenance for an able Minister; And that the Owners of Parsonages Improprate would allow to the Vicars, Curates and Ministers in Villages and places belonging to their Parsonage, sufficient Stipend and Allowance for Preaching Ministers.

IV. That there may be strict prohibition against transporting of English Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed, and for the punishment of such your Subjects as are Maintainers of those Seminaries, or of the Scholars; considering, that besides the seducing of your people, great sums of money are yearly expended upon them, to the impoverishing of this Kingdom.

Ans. " The Law in this case shall be put in execution: And further, there shall be Letters written to the Lord Treasurer, and also to the Lord Admiral, That all the Ports of this Realm, and the Creeks and Members thereof be strictly kept, and strait Searches made to this end: A Proclamation shall be to recall both the Children of Noblemen, and the Children of any other men, and they to return by a day; Also Maintainers of Seminaries or Scholars there, shall be punished according to Law.

V. That no Popish Recusant be permitted to come within the Court, unless your Majesty be pleased to call him upon special occasion, agreeable to the Statute of 3 Jac. And whereas your Majesty for the preventing of apparent mischiefs both to your Majesty and the State, hath in your Princely wisdom taken order, that none of your natural born Subjects not professing the true Religion, and by Law established, be admitted into the service of your Royal Consort the Queen, We give your Majesty most humble thanks, and desire that your Order herein may be observed.

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Ans. "If his Majesty shall find or be informed of any Concourse of Recusants to the Court, the Law shall be strictly followed: And his Majesty is pleased, that by Proclamation the *British* and the *Irish* Subjects shall be put in the same case. And as his Majesty hath provided in his Treaty with *France*, so his purpose is to keep it, That none of his Subjects shall be admitted into his service, or into the service of his Royal Consort the Queen, that are Popish Recusants.

VI. That all the Laws now standing in force against Jesuites, Seminary Priests, and others having taken Orders by Authority derived from the Sea of Rome, be put in due execution. And to the intent they may not pretend to be surpris'd, That a speedy and certain Day be prefixed by your Majesties Proclamation for their departure out of this Realm, and all other your Dominions, and not to return upon the severest Penalties of the Law now in force against them; And that all your Majesties Subjects may be thereby admonished not to receive, comfort, entertain, or conceal any of them, upon the Penalties which may be lawfully inflicted: And that all such Papists, Jesuites, and Recusants, who are and shall be imprisoned for Recusancie or any other cause, may be so strictly restrained, as that none shall have conference with them, thereby to avoid the contagion of their corrupt Religion: And that no man who shall be suspected of Popery, be suffered to be a Keeper of any of your Majesties Prisons.

Ans. "The Law in this case shall be put in execution, and a Proclamation shall be to the effect desired; And such Restraint shall be made, as is desired; And no man that is justly suspected of Popery, shall be suffered to be Keeper of any his Majesties Prisons.

VII. That your Majesty be pleased to take such Order as to your Princely wisdom shall be expedient, That no natural born Subject, or strange Bishops, nor any other by authority from the Sea of Rome, confer any Ecclesiastical Orders to exercise any Ecclesiastical Function whatsoever, toward or upon your Majesties natural Subjects within your Dominions.

Ans. "This is fit to be ordered according as is provided, And it shall be so published by Proclamation.

VIII. That your Majesties Learned Council may receive Order and commandment to consider of all former Grants of Recusants lands, that such of them may be avoided as are made to the Recusants use or interest, out of which the Recusant receiveth any benefit, which are either void, or voidable by the Law.

Ans. "The King will give order to his Learned Council to consider of the Grants, and will do according as is desired.

IX. That your Majesty will be likewise pleased strictly to command all your Judges and Ministers of Justice, Ecclesiastical and Temporal, to see the Laws of this Realm against Popish Recusants to be duly executed; And namely, that the Censure of Excommunication be

be declared and certified against them; and that they be not absolved but upon publick satisfaction by yielding to Conformity.

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Ans. " His Majesty leaves the Lawes to their Course, and will order " in the point of Excommunication as is desired.

A X. That your Majesty will be pleased to remove from places of Authority and Government all such persons as are either Popish Recusants, or according to direction of former Acts of State, to be justly suspected.

Ans. " This his Majesty thinks fit, and will give order for it.

B XI. That present order be taken for disarming all Popish Recusants, legally convicted, or justly suspected, according to the Laws in that behalf, and the Orders taken by his late Majesties Privy Council upon reason of State.

Ans. " The Laws and Acts in this Case shall be followed, and put " in due execution.

C XII. That your Majesty be also pleased in respect of the great resort of Recusants, to and about London, to command forthwith upon pain of your indignation and severe execution of the Laws, that they retire themselves to their severall Countreies, there to remain confined within fife miles of their places.

Ans. " For this the Laws in force shall be forthwith executed.

D XIII. And whereas your Majesty hath strictly commanded and taken order, that none of the natural born Subjects repair to the hearing of Masses, or other Superstitious Service at the Chappels or Houses of Foreign Ambassadors, or in any other places whatsoever; we give your Majesty most humble thanks, and desire, that your Order and Commandment therein may be continued and observed, and that the Offenders herein may be punished according to the Laws.

Ans. " The King gives assent thereto, and will see that observed " which herein hath been commanded by him.

E XIV. That all such Insolencies, as any that are Popishly affected have lately committed, or shall hereafter commit to the dishonour of our Religion, or to the wrong of the true Professors thereof, be exemplarily punished.

Ans. " This shall be done as is desired.

F XV. That the Statute of 1 Eliz. for the payment of Twelvpence every Sunday by such as shall be absent from Divine service in the Church without a lawfull excuse, may be put in due execution, the rather for that the penalty by Law is given to the poore, and therefore not to be dispenced withal.

Ans.

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Ans. "It is fit that this Statute be executed, and the Penalties
"shall not be dispenced withal.

XVI. Lastly, That your Majesty would be pleased to extend your Princely care also over the Kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion.

Ans. "His Majesties cares are, and shall be extended over the
"Kingdom of Ireland; and he will do all that a Religious King should
"do for there restoring and establishing of true Religion there.

And thus (most gracious Sovereign) according to our duty and zeal to God and Religion, to your Majesty and your safety, to the Church and Commonwealth, and their peace and prosperity, we have made a faithfull Declaration of the present Estate, the causes and remedies of this increasing disease of Popery; humbly offering the same to your Princely care and wisdom. The Answer of your Majesties father, our late Sovereign of famous memory, upon the like Petition, did give us great comfort of Reformation; but your Majesties most gracious promises made in that kinde, do give us confidence and assurance of the continual performance thereof. In which comfort and confidence reposing our selves, we most humbly pray for your Majesties long continuance in all Princely felicity.

The Petition and Answer being read, it was further intimated to the Commons, That as his Majesty took well their minding him of the care of Religion, so he would have done and granted the same things, though they had never petitioned him; neither doth he place his Answer to this Petition, as a wheel to draw on other affairs and designs, but he leaves them to move in their own Sphere; and what he hath done in this particular comes from these two Fountains, Conscience, and Duty to his Father, who in his last speech recommended unto him the Person, but not the Religion of his Queen.

At the same time the Duke signified to both Houses, that by the Kings command, he was to give an account of the Fleet, and the preparations thereof; and said, that the first and last time he had the happiness to speak in that Auditory, it was of the Spanish Treaty, and then he was so happy, as to be honored and applauded by both Houses of Parliament; and he made no question, but speaking now with the same heart, he should be no less acceptable to them.

And he made this request to the House of Commons, to believe, that if any hath spoken, or shall speak in discharge of his conscience, his zeal of Reformation, any thing which may seem to reflect upon some particular persons, he shall be the last man that will apply this to himself, because he is confidently assured of two things: first, that they are just not to fall upon him without cause; and secondly, that himself shall do nothing that unbecomes a faithfull Englishman.

And for the Method of his ensuing Discourse, he chose rather to speak by way of Objection and Answer, then in one continued Speech, as a speedier means to give the Commons satisfaction.

Object. 1.

The Duke renders an account to both Houses of the Fleet.

He speaks by way of Objection and Answer.

Object. 1. *By what Counsel those Designs and Actions of War were carried and enterprised?*

Ans. By the Counsel of the Parliament appointed according to the Act of both Houses, the 23. of *March* 1623. by those Counsels his Majesty was guided, and applied himself accordingly for the defence of the Realm, the securing of *Ireland*, the assisting of our Neighbors and others our Friends and Allies, and for the setting forth the Navy-Royal.

A His Majesty looking into his purse, saw enough to do all the former Actions, but not this latter: For when he came to consider of the Navy, there was neither money nor preparations; yet looking upon the Affairs of *Christendom*, he found that of most necessity: Hereupon his Majesty of famous memory did him (*viz.* the Duke) the honor, as to write from *Newmarket* to him at *London* a Letter to this effect; That looking into the Affairs of *Christendom*, he found it necessary, that a Royal-Fleet should be prepared and set in readiness, but that he had no Money; wherefore himself (meaning the Duke) and his Friends must begin to lay it out, and no doubt but others would follow; and by this means the King might lie the longer concealed and undiscovered in the Enterprize, as bearing the name of the Subject onely, and other Princes in hope to draw him on, would sooner come to the business.

Upon this Letter, the Duke said, he leaped into the Action with all alacrity, and having received all he had from his Majesty, was most desirous, and held it a happiness to pour it out upon his service and occasions, and had laid out of his own purse Four and forty thousands pounds; and the Treasurer of the Navy, at his request, had laid out Fifty thousand pounds; that he entred not into this business upon his own head, but fortified with the Advice and Counsel of those worthy persons, the Lord *Conway*, the Lord *Chichester*, Lord *Grandison*, Lord *Carew*, Sir *Robert Mansel*, and Sir *John Cook*.

Their last consultation was of the War, next of the means; but both one and the other was justified by more then himself; he never did any thing but by them; he either repairing unto them, or else they did him the honor to resort to his Chamber; afterward the business, with the Kings leave, was imparted to all the Lords of the Council, and the account was made unto them, and allowed by them, who said there openly, his Majesty being present, that if this were put in execution, it would do well, and gave some Attribute unto it.

And Sir *John Cook* justified the shewing and the approving of these Accounts at the Council Table; the Accounts consisted of long particulars of Souldiers to be levied, Mariners to be pressed, forwarding of Ships and provisions, and that nothing wanted but Money.

He proceeded yet further, and shewed, that he was so Religious to guide these great Affairs by Council, as that at his journey into *France*, which fell out about this time, he desired his Majesty to recommend the business to a select Council, which his Majesty did, who in his absence took care of the same.

Object. 2. *Why did not his Majesty declare the Enemy presently upon granting those three Subsidies?*

Ans. His Majesty considered the State of *Christendom* at that Season, and found it full of danger to declare the Enemy for three Reasons: First, because the great Enemy would be more prepared; secondly, *Spain* being the Enemy, our Merchants goods would be imbarged which are now drawing home; thirdly, our Friends finding us so long unpre-

An. 1625. prepared after our Declaration, would never believe any reality in our intentions.

Object. 3. *Whether a considerable sum of money be yet required?*

Answ. Forty thousand pounds is yet necessary, but our Master is exhausted, his Treasure anticipated, his Lands pawned, his Plate offered to be pawned, but not accepted, and yet his Majesty must be maintained.

Object. 4. *Why was not this want of Money foreseen, but now onely thought upon unexpectedly, and dangerously considering the sickness?*

Answ. It was foreseen before, but interrupted by unfortunate accidents; the death of the late King; the Funeral, which for decency could follow no sooner; the Journey into France, and the Marriage, which procured more delay then was expected, but necessary.

At the opening of the Parliament his Majesty did declare this Necessity, and told the House plainly, that this sitting must not be for Counsel, but Resolution; and when he understood the grant of two Subsidies, he conceived that money to be a matter of Custom to welcom him to the Crown.

Object. 5. *Who gave counsel to his Majesty so suddenly when the sickness was so dangerously spread, to convene this Parliament?*

Answ. His Majesty commanded him (the Duke) to say, that it was the business it self that gave this counsel, and the necessity of it, else his Majesty would not have hazarded the two Houses nor the rest of the Kingdom, if he had been able any way without the Parliaments Supply to set out the Navy.

Object. 6. *Is not the time of the year too far spent for the Navy to go forth?*

Answ. The King answered this formerly, better half the Navy perish then the going thereof should be stayed; it would argue such want of Counsel, Courage and Experience in the Design, such beggerliness in being not able to go through with it, that it may not be diverted, the season of the year suiting with the Design, as could be demonstrated, if the Design might not be published thereby.

Object. 7. *Whether those Eight Ships lent to the French King, which were employed against the Rochellers, were not paid with the Subsidy-money?*

Answ. Those Eight Ships were employed at the charge of the French King: Secondly, it is not alway fit for Kings to give account of their Counsels; judge the thing by the event.

Object. 8. *Whether the Duke, having been our Servant to break the Match with Spain, made not a worse Match with France, and upon harsher terms?*

Answ. I hope the contrary will appear by the Answer to your Petition.

Object. 9. *Did not the Duke serve us in breaking the two Treaties with Spain, out of spleen and malice to Conde Olivares?*

Answ. There was no cause to hate Olivares, who was the means to make him happy; for out of his hands came those papers by which the Duke gained the love of this Nation, which before thought not so well of him; he was not vindicative in his Nature; he can forgive those which had no such natural respect to their Country, as Olivares had; neither doth the Duke love that any man should be an instrument by ill means to do a good Action, as Olivares intended to serve his Master and Kingdom by indirect means; and he could make a proof, that he was not vindicative, he can forgive one of our own Nation that con-

concurrent with *olivares*, but he was minded to leave that business asleep, which if it should awake, would prove a Lion to devour him, who (as he said) he meant one of our * Nation, who cooperated with *olivares*.

I Caroli.

* The Earl of Bristol.

Object. 10. *It will be objected, That hitherto the Duke speaketh of immense charges, which the Kingdom is not able to bear; as to assist the King of Denmark with Thirty thousand pounds per Moneth, Count Mansfield with Twenty thousand pounds per Moneth, the Low-Countries with Eight thousand pounds per Moneth, and Two thousand six hundred pounds per Moneth for Ireland?*

Ans. Make the King Chief of the War by a diversion, and he will give a greater advantage to all his Allies, then by allowing of them Fifty thousand pounds, nay, a Hundred thousand pounds per Moneth. What is it for his Allies to scratch with the King of *Spain*, to take a Town to day, and lose it to morrow? for it is almost impossible to hope for a Conquest in this kinde, the King of *Spain* being so able by Land; but let the King our Sovereign be Master of the Wars elsewhere, and make a Diversion, and let the Enemy be compelled to spend his Money and Men in other places, and our Allies in those parts will be suddenly and perceivedly strengthened and enabled; and by this kinde of War you send no Coyne out of the Land, you issue nothing but Beef, Mutton, and Powder, and the Kingdom is not impoverished, but may make good Returns.

Object. 11. *But where is the Enemy?*

Ans. Make the Fleet ready to go out, and the King bids you name the Enemy your selves; put the Sword into his Majesties hands, and he will improve it to your honor, and the good of Religion; as you issue nothing that is loss, so you will bring home something that is gain, and henceforward maintain the War by the perquisites thereof; make but once an Entrance, it may afterwards be maintained with profit; when the Enemy is declared, you may have Letters of Mart, none shall be denied: I have not been so idle, but I shall make Propositions of advantage, whither your selves may go, and shall have the honey of the business.

August 9. 1625.

After the Commons returned from the House of Lords, they made Report of this Business unto the House, which occasioned variety of Opinions: Some were for giving the King present Supply, who had made so gracious an Answer to the Petition for Religion, and given direction that the same should be Inrolled, pressing further, That this Supply was not for the Kings own particular Wants, but for the Honor and Defence of the Kingdom, and that it might prove dangerous not to comply with the King in a modest and just desire.

The Dukes Relation occasioned variety of Opinions in Parliament.

Others were of a contrary minde, and said, It was requisite to present to his Majesty the means how he may live glorious at home, and how he may be feared abroad, by having his Designs better managed, and an Enemy Declared: Then may spurs be added to the Sea-horse, and the King of *Spain* infested at a lesser charge, and we better secured from Papists at home, whose hearts are knit with the Spaniard, and whose Estates may liberally contribute to the War; and the great Sums given for Honors and Offices, would go far in setting forth a Fleet at Sea, and the Subject not be always importuned for Supply. But the further Debate of this Business was put off till the next day being Wednesday the Tenth of August.

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An. 1625.

The Kings
Message to the
Commons.

The next day the King sends a Message to the Commons, wherein he takes notice, that the House intended to enter into Consideration of divers heads concerning the King and the Common-wealth, that he was pleased with their good intentions, but desired them to consider his Affairs, which require a speedy dispatch; the season of the year was far spent, yet the time not unseasonable for the Design; that if the Plague should happen in the Navy, the Action would be lost; that if any of the House should be touched with the sickness, much inconvenience would ensue by an abrupt breaking up; therefore desires a present Answer about Supply; if not, he will take more care of the Commons than they will of themselves, and will make as good a shift for himself, as he can, to go through with this present occasion, and offereth that the Parliament shall meet again in Winter, at what time they please, upon his Royal word, and hold together till they have perfected all things for the good of the Common-wealth and the King, which are now in conception; and desires them to consider it was the first Request that ever he made unto them.

Debates upon
the Kings
Message.

Hereupon some earnestly pressed the giving of two Subsidies, and two Fifteens, his Majesties honor, and the Necessity of his Affairs requiring it, as it appeared out of Considerations already frequently represented.

Others replied, that *Necessity* is a dangerous Counsellor, and is a continual Argument of Supplies in all Parliaments; that those Counsellors who have put the King and Kingdom into such a Necessity and hazard, ought to answer for it, whosoever they be; that if the State of things will not admit a Redress of Grievances, surely there is not so much necessity for money; to give Subsidy upon Subsidy in one Parliament is not usual; in the Eighteenth year of *Henry* the third, there was one punished for pressing of more Subsidies, when Subsidies had been granted before in that Parliament. In the end it was proposed, that a Report be made to the King, that they have regard to his Honor, Necessity and Safety, and the safety of the Kingdom, and that they will assist his Majesty in any honorable Action, grounded upon sound Councils; and that something be drawn up in writing to that purpose; accordingly the House agreed upon a short Declaration, which was assented unto without a Negative.

The Commons
Declaration.

WE the Knights Citizens and Burgettes of the Commons House of Parliament, being the Representative body of the whole Commons of this Realm, abundantly comforted in his Majesties late gracious Answer touching Religion, and his Message for the care of our health, do Solemnly protest and vow before God and the world, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most Loyal and obedient Subjects to our most gracious Sovereign Lord King Charles; and that we will be ready in convenient time, and in a Parliamentary way freely and dutifully to do our utmost endeavors, to discover and reform the Abuses and Grievances of the Realm and State, and in like sort to afford all necessary Supply to his most Excellent Majesty, upon his present, and all other his just Occasions and Designs; most humbly beseeching our said Dear and Dread Sovereign in his Princely wisdom and goodness, to rest assured of the true and hearty affections of his poor Commons, and to esteem the same to be (as we conceive it is indeed) the greatest worldly reputation and security that a just King can have:

have; and to accompt all such as slanderers of the peoples affections, and Enemies to the Common-wealth, that shall dare to say the contrary.

I Caroli.

This Declaration was sent to the King by such of the Privy-Council as were Members of the House.

A Notwithstanding, the King perceiving the House resolved against Supply, without Redress of Grievances, and in their Debates to reflect upon some great Persons near unto him; the 12th of *August* sent to the House of Peers a Commission, directed to several Lords, for the Dissolution of the Parliament; whereupon the Gentleman-Usher was commanded to signify to the Speaker of the House of Commons, that the Lords had received his Majesties Commission, which was read unto both Houses; whereupon the Commons with their Speaker went up presently to the Lords, heard the Commission read, and the Parliament declared to be dissolved.

The Parliament dissolved.

B At this Parliament begun and holden by Prorogation at *Westminster* the 18th day of *June*, Anno Regis Caroli Primo, 1625. these Acts were passed.

- C 1. AN Act for the punishing of divers Abuses committed on the Lords-Day, commonly called *Sunday*.
2. An Act to enable the King to make Leases of Lands, parcel of the Dutchy of *Cornwal*.
3. An Act for the ease of obtaining Licenses of Alienation, and in the pleading of Alienations with licence, or of Pardons of Alienations without licence in the Court of Exchequer or elsewhere.
4. An Act to restrain Tipling in Inns and Ale-houses.
5. An Act for the Subsidy of the Clergy.
- D 6. An Act for the two Subsidies of the Temporality.
7. An Act that this Session of Parliament shall not determine by his Majesties assent to this and some other Acts.
8. An Act to confirm an Agreement between the King and the Copyholders of *Macclesfield*, in *Com. Cestr. &c.*
9. An Act for the settlement of an Agreement of the Tenants of *Chelvenham*, and *Ashby*, alias *Charleton*, between the King and Sir Giles Grival Knight.

E The Parliament being dissolved, the King followed his Design of War, and resolved that the Fleet should speedily put out to Sea; he also entered into a League with the *United-Provinces*, against the Emperor and King of *Spain*, for restoring the Liberties of *Germany*; the States by their Ambassadors sought this Union, and the Duke of *Buckingham*, with the Earl of *Holland* were sent to the *Hague* to conclude the same, as also to comfort the Kings distressed Sister with hopes of a Restitution.

The King follows his Design of War.

F Soon after his Majesty issued forth a Proclamation, whereby he commanded the return, within limited time, of all such children of Noblemen, and others his natural Subjects, who were now breeding up in Schools and Seminaries, and other houses of the Popish Religion beyond the Seas: That their Parents, Tutors, and Governors take present order to recal them home, and to provide that they return by

The Kings Proclamation to recal home children of Recusants.

An. 1625.

the day prefixt, at the utmost severity of his Majesties Justice; and he commanded further, That no Bishop, Priest, or any other person having taken Orders under any Authority derived from the Sea of *Rome*, do presume to confer Ecclesiastical Orders, or exercise Ecclesiastical Function or Jurisdiction towards any of his natural Subjects in any of his Dominions; and that all Statutes in force be put in due execution against Jesuites, Seminaries, and others in Popish Orders, prefixing a day for their departure out of his Dominions, not to return again upon the severest penalties of the Law.

In the time of the late King, very many of the natural Subjects of these Dominions had by publick permission betaken themselves to the service of the Emperor, the King of *Spain*, and Archdutchess of the *Low-Countries*, and by this means they fought against others of their Country-men that were employed by the States of the *United-Provinces*, and on the behalf of the exiled *Palatine*: But now the King foreseeing how improper and unnatural it were, that his own natural Subjects should upon any occasion or accident draw their swords one against the other, or any of them against their own Sovereign, did by advice of his Privy-Council straitly command all those his Subjects who were under the pay of the Emperor, the King of *Spain* or Archdutchess, speedily to return to their Native Countries, where they should be received and employed, as occasion served, according to their several qualities.

The dissolution of the Parliament preventing the Act of Subsidies, the King drew Supplies from the people by borrowing of persons able to lend, such competent sums of money as might discharge the present occasions; accordingly he directed Letters of the following Tenor to the Lords-Lieutenants of the Counties.

Right Trusty and Welbeloved, &c.

The Kings
Letter to the
Lieutenants
for the Loan
of Money up-
on Privy-
Seals.

IT hath been so usual a thing for Kings and Princes of this Realm to make use of their Subjects good affections, by borrowing some such competent Sums of Money of Persons able to lend, as might supply those present occasions for Publick Service, which cannot attend that length of time wherein it can be raised by contribution by the generality of our Subjects: As we have not onely present occasion to make the like Trial, by borrowing from some private Gentlemen and others, but also of your sincerity and endeavors in furtherance of the service; that is to say, in taking some course either out of your own knowledg and experience, or by any other Means or Instruments which you like best, to make Collection of as many Persons Names within the County wherein you are Lieutenant, as may be of ability to furnish us with several Sums at this time; and therefore to return in a Book, both the Names of the Persons, their Dwellings, and what Sums you think they may spare; that we may thereupon direct our Privy-Seals unto them, according to the form of this inclosed.

And for your further instruction in this Case, on whose Trust we do so much repose, we wish you to advise herein with your Deputy Lieutenant, as those from whom we have special cause to promise our selves all good Offices of duty and affection: To which we must add thus much further, That we do not intend at this time to deal with any Nobleman; neither are you to deal with any of the Clergy; because we have reserved that Direction to the Metropolitans of the several Provinces, to proceed onely with some special Persons

A persons that are known to be men of wealth and ability, and not meerly subsisting upon those Livings, which in most places are far inferior to that Maintenance we could wish them. By which course and consideration of ours, though you may perceive how much we desire to procure this Loan without inconvenience to any, which is only intended for the service of the Publique, yet must we assure you, that we had no greater cause at any time then now to make use of your integrity and industry in respect of your election of the Lenders, and of your constant demonstration both of diligence and affection to the service. Having now delivered unto you as much as for the present can be expected from us, We will refer you for any further direction unto our Privy-Council, as hereafter occasion shall require: To whom our pleasure is, you do return your Certificates in manner and form as is aforesaid, at the most within Twenty days after the Receipt of these our Letters. Given at, &c.

B The Comptroller of the Kings Household, by the Councils Order, issued forth Letters in the Kings name under the Privy-Seal to the several persons returned for the Loan of Money, in form as followeth.

Trusty and Welbeloved, &c.

C **H**AVING observed in the Presidents and Customs of former Times, that all the Kings and Queens of this Realm upon extraordinary occasions have used either to resort to those Contributions which arise from the generality of Subjects, or to the private helps of some well-affected in particular by way of Loan: In the former of which courses, as we have no doubt of the love and affection of our People when they shall again assemble in Parliament, so for the present we are enforced to proceed in the latter course, for supply of some portions of Treasure for divers Publick services, which without manifold inconveniences to us and our Kingdoms cannot be deferred. And therefore this being the first time that we have required any thing in this kind, we doubt not but we shall receive such a testimony of your good affection from you (amongst other of our Subjects) and that with such alacrity and readiness, as may make the same so much the more acceptable, especially seeing we require but that Sum which few men would deny a Friend, and have a mind resolved to expose all our Earthly fortune for preservation of the General. The Sum which we require of you by these Presents, is — Which we do promise in the name of Us, our Heirs and Successors, to repay to you or your Assigns within Eighteen months after the payment thereof unto the Collector. The person whom we have appointed to collect it, is To whose hands we do require you to send it within Twelve days after you have received this Privy-Seal; which together with the Collectors Acquittance shall be sufficient Warrant unto the Officers of our Receipt for the repayment thereof at the time limited. Given at, &c.

Privy-Seals
issued forth
to certain
Persons.

F The Collectors of this Loan were appointed to pay into the Exchequer the Sums received, and to return the Names of such as discovered a disposition to delay or excuse the payment of the Sums imposed.

Amidst the preparations for War with Spain, the Privy-Council issued out Warrants for the disarming of Popish Recusants, grounding their Order upon the Petition of the late Parliament.

An. 1625.

Warrants for
disarming Re-
cufants.

His Maieſty and we of his Council having receiued information from ſo many ſeuerall parts, of the bold and impudent ſpeeches uſed by many Romiſh Catholicks of this Realm, declaring how much they are offended with the gracious ſatisfaction given by his Maieſty to the Lords and Commons in Parliament in the points concerning the Conſervation of true Religion, as it is at this day by Authority preached in the Church of England; And having juſt cauſe to doubt, that many violent Papists, through the inſtigation of Jeſuited Priests, may be inclined to take part with ſuch as we well underſtand at this time praactiſe with the Kings Subjects to raiſe ſtrife and tumults, which they do not only ſoment by perſwaſions and indi-
gations, but with promiſe of aſſiſtance and ſecounding them with Arms, their pretext being Religion. but their ends Conqueſt, pushed thereunto by an unlimited Ambition to a General Monarchy, of which we have too large and clear proof: And although we do not miſjudge and condemn all his Maieſties Subjects Romiſh Catholicks, but believe that many of them will imploy their Arms and lives in his ſervice; Yet becauſe we are not able to diſtinguiſh between the well and worſe-affected, We have ſecounded with one Advice his Maieſties Princely inclination, following the example of his wiſe Predeceſſors of happy memory and government, to take out of the poſſeſſion of all Romiſh Recuſants convicted or juſtly ſuſpected, according to the Aſs of State heretofore expreſſed, all ſuch Partial Ammunitions, Arms and Weapons as ſhall be found in their houſes, or diſcovered to be in the houſes of any other perſons belonging by right to any of the ſaid Romiſh Recuſants; But ſo that the ſaid Arms be only taken to be ſafely kept, and the Property to be reſerved to the Owners, according to the former Precedents in like Caſes.

Letters directed
to Lords
Recuſants.

This Deſign proceeded, and the Council directed their Letters to theſe Lords Recuſants, viz. The Marquis of *Wincheſter* and the Lord *St. John* his ſon, Lord Viſcount *Mountague*, Lord Viſcount *Colcheſter*, Lord *Peter*, the Earl of *Caſtlehaven*, Lord *Morley*, Lord *Vaux*, Lord *Eures*, Lord *Arundel* of *Warder*, Lord *Tenham*, Lord *Herbert*, Lord *Windſor*; requiring them to render their Arms and Furniture thereunto belonging, together with all their Habiliments of War, to be removed into places convenient, and to remain there till the King ſhall determine otherwiſe.

Concourse of
Papists pre-
vented.

Moreover the Privy-Council having received information from the Lords-Lieutenants in divers parts of the Kingdom, That there was great and unaccuſtomed Reſort to the houſes of Papists, and that other Courſes juſtly to be ſuſpected were held among them, Authoriſed the Lords-Lieutenants to examine the truth and reaſon of ſuch Aſſemblies and Entertainment, and of the conveyance and intercourſe of Letters; as alſo to enquire and ſearch if there were any preparation of Men or Arms, or Practice of Arms, or endeavors of Alteration among perſons diſcontented with the preſent Government.

Viſcount *Wimbleton* Com-
mander in
Chief in the
Voyage to
Cadiz.

In the mean time the Fleet was ready, and Ten brave Regiments were deſigned for this Expedition. The Duke not going in perſon, Sir *Edward Cecil* was created Lord Viſcount *Wimbleton*, and made Commander in Chief.

In

In the Choice of the Officers for this service, Sir Robert Mansel an experienced Sea-Commander was neglected, which much disgusted the Mariners.

I Caroli.

The Common Censure that passed both upon the Duke and this Enterprize, may be known by the Lord Cromwells free language to the Duke in this Letter.

A **T**hey offer to lay wagers, the Fleet goes not this year; And that of necessity shortly a Parliament must be, which when it comes, sure it will much discontent you. It is wondred at, that since the King did give such great Gifts to the Ducheß of Chevereux, and those that then went, how now a small Sum in the Parliament should be called for at such an unseasonable time: And let the Parliament sit when it will, begin they will where they ended. They say, the Lords of the Council knew nothing of Count Mansfield's Journey, or this Fleet; which discontents even the best sort, if not all. They say, it is a very great burden your Grace takes upon you, since none knows any thing but you: It is conceived, that not letting others bear part of the burden you now bear, it may ruine you, (which Heaven forbid.) Much discourse there is of your Lordship here and there, as I passed home and back; And nothing is more wondred at, then that one Grave man is not known to have your ear, except my good and Noble Lord Conway. All men say, if you go not with the Fleet, you will suffer in it: because if it prosper, it will be thought no act of yours; and if it succeed ill, they say it might have been better, had not you guided the King. C They say, your undertakings in the Kingdom will much prejudice your Grace: And if God bleß you not with goodnesß as to accept kindly what in duty and love I here offer, questionless my freedom in letting you know the discourse of the world, may much prejudice me. But if I must lose your favor, I had rather lose it for striving to do you good in letting you know the talk of the wicked world, then for any thing else; so much I heartily desire your prosperity, and to see you trample the ignorant multitude under foot. All I have said is the Discourse of the World; and when I am able to judge of Actions, I will freely tell your Lordship my mind: Which when it shall not always incline to serve you, may all D Noble thoughts forsake me.

Lord Cromwells Letter to the Duke touching the Fleet.

But whilst the English Fleet was preparing for this Voyage, great Reports were given out, that the Spaniard would land Forces upon the Coast of Essex. Wherefore the Earl of Warwick was commanded with Three thousand of the Trained Bands of Essex to secure the Port of Harwich, and Langer-Point; which service he performed with much readinesß: But upon the Blocking up of Dunkirk with Ships belonging to the English and to the States of the United Provinces, his Lordship was ordered to dismiss his men.

The Earl of Warwick secures Langer-Point in Essex.

Presently after, Advertisements came to the Council, That both the English and Dutch Ships designed to block up Dunkirk, whilst our Fleet was gone to Spain, were dispersed by a sudden storm; and that Two and twenty Ships of Dunkirk, Men of War, having Four thousand Land-soldiers, were at liberty to rove up and down and do mischief at Sea. Here-upon the Council by their Letters to the Lords Lieutenants of the Counties upon the Seacoasts, required that the Trained-Bands be in readinesß with compleat Armor and other Furniture, to march upon all Alarms to what place soever the necessary defence thereof shall require. Also upon intelligence, that these Two and twenty Dunkirkers intended to land their Four thousand men in Ireland, in case their design failed as to England;

English and Dutch Fleet before Dunkirk dispersed by a storm.

Letters

An. 1625.

Letters were expedited to the Lord Deputy of *Ireland* to guard those Sea-coasts, for that it were alike mischievous, if they should land in either Kingdom.

In the beginning of *October*, the Fleet consisting of Eighty Ships great and small, the *Anne-Royal* a Ship of Twelve hundred Tun being Admiral, put forth from *Plimouth* for the Coasts of *Spain*, with these Regiments aboard the Fleet, according as we find it mentioned in an old List, *viz.*

The Duke of *Buckingham's*,
The Lord *Wimbleton's*,
Sir *William St. Leger's* (Serjeant-Major-General) and
Colonel *Burrough's* Regiments
were shipped in the Admirals
Squadron, which carried 2093
Seamen, and 4032 Land-
foldiers.

The Lord *Valentia's* Regiment,
The Earl of *Effex's*, and
Colonel *Harwood's* —

— were shipped in the Vice-
Admirals Squadron, carrying
1765 Seamen, and 3008
Land-foldiers. The Earl of
Effex was Vice-Admiral, and
commanded this Squadron.

Sir *Charles Rich* his Regiment,
Sir *Edward Conway's*, and
Colonel — Regiments
were shipped in the Rear-
Admirals Squadron, carrying
1833 Mariners, 2998 Soldiers.

The Fleet, after four days sail, was encountred with a furious storm, which so dissipated the Ships, that of Fourscore no less then Fifty were missing for seven days. Afterwards they all came together upon the Coasts of *Spain*, where they found a Conquest ready, the Spanish Shipping in the Bay of *Cadex*, the taking whereof was granted feasible and easie, and would have satisfied the Voyage both in point of honor and profit: This was either neglected, or attempted preposterously. Then the Army landed, and Sir *Fohn Burroughs* took a Fort from the *Spaniard*; but the Soldiers finding good store of Spanish Wines, abused themselves, and hazarded the ruine of all, (had the Enemy known in what condition they were) notwithstanding all Commands to the contrary. So they were presently shipp'd again; and the General putting to Sea, intended to wait about Twenty days for the Plate-Fleet, which was daily expected from the *West-Indies*: But the evil condition of his Men, by reason of a general Contagion, enforced him to abandon the hopes of this great Prize. So the English having effected nothing, returned home with dishonor in *November* following.

The General
examined
before the
Council.

It gave no small occasion of clamor, That a Fleet so well provided and manned should land their men in an Enemies Country, and return without some honorable Action. But where the fault lay, hath not been yet adjudged; neither was any ever punished for failing in that duty. The General for some time was not admitted into the Kings presence, and some of the Colonels of his Army accused him, and some Seamen aggravated the Accusation: The General was examined before the Council, and laid the fault on others in the Fleet, who let the King of *Spain's* Ships pass without fighting them according to Order: They on the other hand said, they had no Order from their General to fight. Thus was there sending and proving, which contributed little to salve the dishonor which the Nation sustained by this unprofitable and ill-managed Design.

The Soldiers
commanded
not to disband

Upon the Fleets return to *Plimouth* in *December*, and Consideration of the present use of the Soldiers therein employed, a Proclamation issued forth

forth to command that no Soldiers of the Fleet should depart from their Colours, or be discharged of their Service, till the King shall signifie his pleasure, how and when he will use their further Service. So the Forces that returned from *Cades* were kept on foot, and dispersed into several parts of the Kingdom.

† *Caroli.*

A There was also a strict Commandment, That no Subject of this Realm of *England* shall have intercourse of Trade with any of the Dominions of the King of *Spain*, or the Arch-Dutches of *Flanders*, upon pain of Confiscation both of Ships and Goods that shall be found upon Voyage of Trade into any of the said Dominions. Moreover, in regard of the Subjects apparent danger, and the encouragement of the Enemies of this State, by putting Ships to Sea, being weakly manned and ill furnished, the King ordained that none should set forth any Ship or Pinnace of the burthen of Threescore Tuns or upwards, unless they furnish the same with serviceable Muskets and Bandaliers, sufficient for the arming of half the number of persons that sail therein, together with a quantity of Ammunition answerable to the length of their intended Voyage.

Trade prohibited with *Spain*.

B Furthermore, for the instructing and exercising of the Trained-Bands, as well Officers as Soldiers, by men experienced in Military Exercises, The King gave Commandment, that divers Low-Country Soldiers should be assigned to the several Counties, and that the Trained-Bands should be ready at the times appointed, for their Direction in their Postures and use of Arms.

Trained Bands exercised.

C The Plague still continuing in *London* and *Westminster*, and the places near adjoining, the King to prevent a general infection, had adjourned a part of *Michaelmas* Term from the *Utis* thereof, to the Fourth Return, and afterwards to the Fifth, and then the residue of the Term from the City of *Westminster*; as also the Receipt of the Revenue from *Richmond* to the Town of *Reading* in *Berkshire*. In which Term, a Commission issued forth under the Great Seal, for executing the Laws against Recusants, according to the Petition of the late Parliament, which was read in all the Courts of Judicature at *Reading*: Which Commission, together with Pricking of Sir *Edward Cook*, and certain other Gentlemen, Sheriffs, who had appeared the last Parliament against the Duke, and being Sheriffs, could not be chosen Parliament-men, gave occasion of discourse, and hopes of a new Parliament.

Part of *Michaelmas* Term adjourned.

The Term at *Reading*.

Hopes of a Parliament.

E At *Hampton Court* in *December* following, this ensuing Order was made.

F Whereas Four Articles concerning the Oath used to be taken by the High Sheriffs of Counties, were this day presented unto the Board, unto which Articles Sir *Edward Cook* Knight, at this present High Sheriff of the County of *Bucks*, Did upon tender of the Oath unto him, take Exceptions, and sent his Exceptions and the Reasons thereof in writing to *Dr. Attorney General*, who by Direction of the Board, did attend all the Judges of England, to receive their Advice thereupon; and the said Judges having advised thereof, did with one unanimous consent Resolve and so Report to the Lord Keeper, That they found no cause to alter the said Oath, but onely in one of the said Articles hereafter mentioned. It is thereupon

Sir *Edward Cook* High Sheriff, his exceptions to the Sheriffs Oath.

An. 1625.

this day Ordered by their Lordships, according to the unanimous Advice of all the Judges of England, and his Majesties pleasure signified therein, That the First Article propounded, viz. [You shall do all your pain and diligence to destroy and make to cease, all manner of Heresies and Errors, commonly called Lollaries, within in your Bayliwick from time to time, to all your power, and assist and be helping to all Ordinaries and Commissioners of the Holy Church, and favor and maintain them as oftentimes as you shall be required] shall be left out in the Oath to be given to Sir Edward Cook, and shall ever hereafter be left out in all Oaths to be given to the High Sheriffs of Counties hereafter. And their Lordships do likewise Order, according to the unanimous Advice of all the Judges of England, That the other three Articles doubted of, shall stand in the said Oath to be ministered to the said Sir Edward Cook, and to all other High Sheriffs, as heretofore hath been accustomed; and that the Lord Keeper do give order to such Officers and Clerks in the Court of Chancery, to whom it appertained, to make out the Oath for the time to come according to present Order.

The Seal taken from Bishop Williams, sequestered formerly, and given to Sir Thomas Coventry.

The expectation of a Parliament, gave encouragement to the Bishop of *Lincoln* (who yet retained the name of *Lord Keeper*, notwithstanding his Sequestration several moneths before from the presence of the King, the Council Table, and the custody of the Seal) to make an Address to his Majesty for a favorable interpretation of his actions: But his carriage towards the Duke at the Parliament at *Oxford* was fresh in memory, where the Bishop told the Duke in *Christ-Church*, upon the Dukes rebuking him, for siding against him, That he was engaged with *William* Earl of *Pembroke*, to labor the Redress of the Peoples Grievances, and was resolved to stand upon his own Legs. If that be your resolution (said the Duke) Look you stand fast, and so they parted; and shortly after that he was sequestered, though the Seal was not disposed from him till the Thirtieth of *October*; at which time it was given to Sir *Thomas Coventry* at *Hampton-Court*, who was that day sworn of the Privy Council, and sate there and sealed some Writs, and afterwards came to the Term at *Reading*, and sate there as *Lord Keeper* and heard Causes.

A Parliament Summoned.

The King being pressed with his own Necessities, and the Cry of the Nation against the Fruitless Voyage of *Cadiz*, summoned a Parliament to meet in *February*; and before the time of meeting, his Majesty enjoined the Archbishops and Bishops in both Provinces, to proceed against Popish Recusants by Excommunication, and other Censures of the Church, and not to omit any lawful means of bringing them to Publick Justice; especially he recommended to their vigilant care, the unmasking and repressing of those who were not professed Papists, yet disaffected to the true Religion, and kept close their evil and dangerous affection, and by secret means and slights, did encourage and advance the growth of Popery.

Recusants to be Excommunicated.

This Command was seconded by a Proclamation, requiring, That all Convicted Papists should according to the Laws of this Realm, remain confined to their dwelling places, or within five miles thereof, unless upon special Licences first obtained in Cases necessary.

The King resolved to leave Mr. Montague to the Parliament.

Immediately before the Parliament, Bishop *Land* procured the Duke of *Buckingham* to sound the King concerning the Cause, Books, and Tenets of Mr. *Richard Montague*; and understanding by what the Duke collected,

collected, That the King had determined within himself to leave him to a Tryal in Parliament, he said, *I seem to see a Cloud arising and threatening the Church of England, God for his Mercy dissipate it.*

I Caroli.

About the same time, the King declared his purpose to celebrate the Solemnity of his Coronation on *Candlemas-day* at the Palace of *Westminster*; and required all persons, who by reason of their Offices and Tenures, were bound to perform any Duties at the Solemnitie, to give their attendance, and to be furnished in all respects answerable to an action of so high State according to their places and dignities. Wherefore by a Commission under the Great Seal of *England*, Sir *Thomas Coventry* Lord Keeper of the Great Seal, *James* Lord *Say* High Treasurer of *England*, *Edward* Earl of *Worcester* Keeper of the Privy Seal, *Thomas* Earl of *Arundel* and *Surrey* Earl Marshal of *England*, *William* Earl of *Pembroke* Lord High Chamberlain, *Edward* Earl of *Dorset*, and Sir *Randol Crew* Cheif Justice of the Common Pleas, were authorised to receive and determine the Claims exhibited by any Person concerning Services to be performed at the approaching Coronation.

Preparations for the Kings Coronation.

And the more to credit the Solemnity, the King resolving to make certain of his Servants and other Subjects, in regard of their Birth, good Service, and other Qualities, Knights of the *Bath*, Authorized *Thomas* Earl of *Arundel* and *Surrey*, and Earl Marshal of *England*, *William* Earl of *Pembroke* Lord Chamberlain, to perform in his Majesties Name and behalf, all the Rites and Ceremonies belonging thereto.

At the same time Writs were directed to all Sheriffs in the Realm of *England*, and Dominions of *Wales*, commanding them to make Proclamation, That all such as had Forty pounds a year or more, of Lands or Revenues in their own hands, or the hands of Feoffees, for their use for the space of Three years, and are not yet Knights, do at their perils prepare to present themselves in his Majesties Prefence by the One and thirtieth of *January*, to receive the Order of Knighthood.

A Proclamation for all that have Forty pound per annum to come and receive the Order of Knighthood.

Upon the asswaging of the great Pestilence, through the Mercy and Goodness of God in withdrawing and almost removing the Scourge, the King by His Royal Authority, ordained a Publick and General Thanksgiving to be celebrated upon the Nine and twentieth of *January*, being the Lords day, in the Cities of *London* and *Westminster*, and the places adjacent; and on the Nineteenth of *February* in all other places of the Kingdom; the manner and form whereof, was prescribed by a Book composed by the Bishops according to his Majesties special Direction.

A Thanksgiving for the Plagues ceasing.

The Contagion ceasing, the restraint enjoyned to the Citizens of *London* from resorting to Fairs for a time, was taken off.

The number of those that died this year within and without the Walls of the City of *London*, and in the Liberties and Nine out Parishes, from the Sixteenth of *December* 24. to the Fifteenth of *December* 25. Was in Total Fifty four thousand two hundred sixty and five, whereof of the Plague Thirty five thousand four hundred and seventeen.

Number of those who died of the Plague.

On *Candlemas-day* King *Charls* was Crowned; Bishop *Laud* had the cheif hand in compiling the Form of the Coronation, and had the honor to perform this Solemnity, instead of the late Lord Keeper *Williams*, who (through the Kings disfavor) was sequestred from this Service, which belonged to his place as he was Dean of *Westminster*. Mr. *John Cosens* (as Master of the Ecclesiastical Ceremonies) kneeled behinde the Bishop

The Ceremonies at the Kings Coronation.

An. 1625. when the Prayers were read, and directed the Quire when to answer. The Ceremony in going to, and all the Coronation, was briefly thus.

THe King went that day from *Westminster-Hall* to the Abbey Church, attended by the Aldermen of *London*, Eighty Knights of the *Bath* in their Robes, the Kings Serjeants at Law, Solicitor and Attorney Generals, the Judges, Barons, Bishops, Viscounts, and such of the Earls (who bore no particular Office that day) in their Parliament Robes, going two by two before the King all uncovered; and after them followed his Officers of State (being Eight Earls and one Marquess) those persons according to their respective places and offices carried the Swords, the Globe, the Scepter, the Crown; and the Lord Major of *London* carried the short Scepter; two Bishops carried, the one the Golden Cup, and the other the Plate for the Communion. Next before his Majesty went the Earl of *Arundel* as Earl-Marshal of *England*, and the Duke of *Buckingham* as Lord High-Constable of *England* for that day. The King being cloathed in White Sattin, went under a rich Canopy, supported by the Barons of the Cinque Ports; the King having on each hand a Bishop, and his Train of Purple-Velvet was carried up by the Master of the Robes, and the Master of the Wardrobe. At the entering into the Church, Bishop *Land* delivered into the Kings hands the Staff of King *Edward* the Confessor, with which the King walked up to the Throne; then the Archbishop of *Canterbury* presented his Majesty to the Lords and Commons there present, East, West, North, and South, who gave their consent to his Coronation, as their lawful Sovereign. After Sermon was done, the King went to the Altar (where the *old Crucifix* amongst other *Regalia* stood; as also the Ointment consecrated by a Bishop) to take the Coronation Oath, which (as is said) was performed in this manner, *viz.*

Archbish.P.P.

SI S (says the Archbishop) will You grant and keep, and by Your Oath confirm to the People of England, the Laws and Customs to them granted by the Kings of England, Your Lawful and Religious Predecessors, and namely the Laws, Customs, and Franchises, granted to the Clergy by the glorious King St. Edward Your Predecessor, according to the Laws of God, the true Profession of the Gospel established in this Kingdom, agreeable to the Prerogative of the Kings thereof, and the Antient Customs of the Realm?

The Kings Answer.

I grant and promise to keep them.

Sir, will You keep Peace and Godly Agreement (according to Your Power) both to God, the Holy Church, the Clergy and the People?

I will keep it.

Sir, will You (to Your Power) cause Law, Justice, and Discretion to Mercy and Truth, to be executed to Your Judgment?

I will.

Sir, will You grant to hold and keep the Laws and Rightful Customs which the Communalty of this Your Kingdom have; and will You defend and uphold them to the honor of God, so much as in you lyeth?

I grant and promise so to do.

Then one of the Bishops read this Passage to the King.

Our Lord and King, we beseech You to Pardon, and to Grant, and to Preserve unto us, and to the Churches committed to Your Charge, all Canonical Privileges,

ledges, and do Law and Justice; and that You would Protect and Defend us, as every good King to His Kingdoms ought to be Protector and Defender of the Bishops, and the Churches under their Government.

The King answereth.

A With a willing and devout Heart I promise, and grant my Pardon; and that I will preserve and maintain to you, and the Churches committed to your Charge, all Canonical Priviledges, and due Law and Justice; and that I will be your Protector and Defender to my Power, by the assistance of God, as every good King in his Kingdom in right ought to protect and defend the Bishops and Churches under their Government.

B Then the King arose and was lead to the Communion Table, where he takes a Solemn Oath in sight of all the People, to observe all the Premisses, and laying his hand upon the Bible, said,

The things which I have here promised, I shall perform and keep. So help me God, and the Contents of this Book.

C After the Oath, the King was placed in the Chair of Coronation, and was Anointed by the Archbishop with a costly Ointment, and the Antient Robes of King Edward the Confessor was put upon him, and the Crown of King Edward was put upon his Head, and his Sword girt about him; and he offered the same, and two Swords more, together with Gold and Silver at the Communion Table. He was afterwards conducted by the Nobility to the Throne, where this Passage was read to his Majesty.

D [Stand and hold fast from henceforth the place, to which You have been Heir by the Succession of Your Forefathers, being now delivered to You by the Authority of Almighty God, and by the hands of us, and all the Bishops and Servants of God: And as You see the Clergy to come nearer to the Altar then others, so remember that (in all places convenient) You give them greater honor, that the Mediator of God and Man may establish You in the Kingly Throne, to be a Mediator betwixt the Clergy and the Laity; and that You may Reign for ever with Jesus Christ, the King of Kings, and Lord of Lords.]

E Afterwards the Nobility were sworn to be Homagers to the King, and some other Ceremonies were performed; which being done, the Lord Keeper by the Kings command read a writing unto them, which declared the Kings free Pardon to all his Subjects who would take the same under the Great Seal.

The Ceremonies of the Coronation being ended, the Regalia were offered at the Altar by Bishop Laud in the Kings Name, and then repositied.

F The Bishop of Lincoln fallen into disgrace by the displeasure of the Duke of Buckingham, had not received his Writ of Summons which he represented to the King with Submission to his Majesties pleasure (denied as he said, to no Prisoners or condemned Peers in his Fathers Reign) to enable him to make his Proxy, if his Personal attendance be not permitted. Likewise he besought his Majesty, That he would be pleased to mitigate the Dukes causeless anger towards him, who was so little satisfied with anything he could do or suffer, that he had no means left to appease him, but his Prayers to God and his Sacred Majesty: Alas,

An. 1625.

A Second
Parliament
meets.

Also, that in his absence in this Parliament, no use might be made of his Majesties Sacred Name to wound the Reputation of a poor Bishop, who besides his Religion and Duty to that Divine Character which his Majesty beareth, hath affectionately honored his very person above all Objects in this World, as he desired the Salvation of the World to come: And he craveth no Protection against any other Accuser or Accusation whatsoever.

On Monday the Sixth of *February*, began the Second Parliament of the Kings Reign.

The King being placed in his Royal Throne, the Lords in their Robes, and the Commons below the Bar, it pleased his Majesty to refer them to the Lord Keeper for what he had to say.

The Lord Keepers Speech.

My Lords,

The Lord
Keepers
Speech.

“ And you the Knights, Citizens, and Burgeses of the House of
 “ Commons, you are here assembled by his Majesties Writs and
 “ Royal Authority to hold a new Parliament, the general Antient
 “ and Powerful Council of this Renowned Kingdom; whereof if we
 “ consider aright, and think of that incomparable distance between the
 “ Supream height and majesty of a Mighty Monarch, and the submissive
 “ aw and lowliness of a Loyal Subject, We cannot but receive exceeding
 “ comfort and contentment in the frame and constitution of this Highest
 “ Court; wherein not onely the Prelates, Nobles, and Grandees, but
 “ the Commons of all degrees have their part, and wherein that high
 “ Majesty doth descend to admit or rather to invite the humblest of his
 “ Subjects to Conference and Council with him, of the great, weighty,
 “ and difficult Affairs of the King and Kingdom: A benefit and favor
 “ whereof we cannot be too sensible and thankful; for sure I am, that all
 “ good hearts would be both sensible and sorrowful, if we did want it.
 “ And therefore it behooveth all, with united hearts and mindes free from
 “ distraction and diversion, to fix their thoughts upon Counsels and Con-
 “ sultations worthy of such an Assembly, remembering, That in it is pre-
 “ sented the Majesty and Greatness, the Authority and Power, the Wis-
 “ dom and Knowledge of this great and famous Nation; and it be-
 “ hooveth us to magnifie and bless God, that hath put the power of
 “ Assembling Parliaments in the hands of him, the vertue of whose per-
 “ son doth strive with the greatness of his Princely Lineage and Descent;
 “ whether he should be accounted *Major* or *Melior*, a greater King, or a
 “ better Man; and of whom you have had so much tryal and experience,
 “ That he doth as affectionately love, as he doth exactly know and un-
 “ derstand the true use of Parliaments; witness his daily and unwearied
 “ Access to this House, before his Access to the Crown; his gracious
 “ readines to all Conferences of Importance; his frequent and effectual
 “ Intercession to his Blessed Father of never dying Memory, for the
 “ good of the Kingdom, with so happy success, That both this and fu-
 “ ture generations shall feel it, and have cause to rejoyce at the success of
 “ his Majesties Intercession. And when the Royal Diadem descended
 “ upon himself, presently in the midst of his Tears and Sighs for the de-
 “ parture of his most Dear and Royal Father, in the very first Consulta-
 “ tion

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tion with his Privy Council, was resolved to meet his People in Parliament: And no sooner did the heavy hand of that Destroying Angel forbear those deadly strokes, which for some time did make this place inaccessible, but his Majesty presently resolved to recal it, and hath now brought you together, and in a happy time, I trust, to treat and consult with uniform Desires and united Affections, of those things that concern the general good.

A "And now being thus Assembled, his Majesty hath commanded me
"to let you know that his Love and Affection to the Publick, moved him
"to call this Parliament; and looking into the danger and the spreading
"of that late Mortality, and weighing the multitude of his Majesties
"pressing occasions and urging affairs of State, both at home and abroad,
"much importing the safety and state of this Kingdom; the same affecti-
"on that moved him to call it, doth forbid him to prolong the sitting of
"this Parliament: And therefore his Majesty resolving to confine this
B "meeting to a short time, hath confined me to a short Errand; and that
"is, That as a thing most agreeable to the Kingly Office, to the example
"of the best times, and to the frame of Modern Affairs, his Majesty hath
"called you together to consult and to advise of provident and good
"Laws, profitable for the Publick, and fitting for the present times and
"actions; for upon such depends the assurance of Religion and of
"Justice, which are the surest Pillars and Buttresses of all good Govern-
"ment in a Kingdom: For his Majesty doth consider, that the Royal
C "Throne on which God out of his Mercy to us hath set him, is the
"Fountain of all Justice, and that good Laws are the Streams and Quits,
"by which the benefit and use of this Fountain is dispersed to his people.
"And it is his Majesties care and study, that his people may see with
"comfort and joy of heart, that this Fountain is not dry, but they and
"their Posterity may rest assured and confident in his time, to receive as
"ample benefit from this Fountain, by his Majesties Mercy and Justice,
"as ever Subjects did in the time of the most eminent Princes amongst
D "his Noble Progenitors; wherein, as his Majesty shews himself most
"sensible of the good of the Publick, so were it an injury to this great
"and honorable Assembly, if it should be but doubted, that they shall
"not be as sensible of any thing that may adde to his Majesties honor;
"which cannot but receive a high degree of Love and Affection, if his
"Majesty succeeding so many Religious, Wise, and Renowned Princes,
"should begin his Reign with some Additions unto those good Laws
"which their happy and glorious times have afforded. And this his Ma-
E "jesty hath caused me to desire at this time, especially above others;
"for his Majesty having at his Royal Coronation, lately solemnized the
"Sacred Rites of that Blessed Marriage between his people and him;
"and therein by a most holy Oath, vowed the Protection of the Laws,
"and Maintenance of Peace both to Church and People, no time can
"be so fit for his Majesty to advise and consult at large with his people,
"as this present time, wherein so lately his Majesty hath vowed Protecti-
"on to his People, and they have protested their Alleagiance and Service
F "to him.

"This is the sum of that charge which I have received from his
"Majesty to deliver unto you, wherein you see his Majesties intent to
"the Publick: And therefore his desire is, That according to that con-
"veniency of time which his Affairs may afford, you will apply your selves
"to dispatch the business of this Parliament.

An. 1625.

Sir Hennage
Finch chosen
Speaker.

The Wednesday following the Commons presented Sir *Hennage Finch* Knight, Serjeant at Law and Recorder of *London*, for their Speaker; who having made the accustomed Excuses, and acknowledged his Majesties Approbation, made this Speech,

His Speech.

“ Since it hath pleased your Majesty not to admit my humble Excuse, A
 “ but by your Royal Approbation to crown this Election; after my
 “ heart and hands first lifted up to God, that hath thus inclined
 “ your Royal Heart, I do render my humblest thanks to your Majesty, who
 “ are pleased to cast so gracious an eye upon so mean a Subject, and to de-
 “ scend so low as in a service of this Importance, to take me into your
 “ Princely Thoughts. And since we all stand for Hundreds and Thou-
 “ sands, for Figures and Cyphers, as your Majesty, the Supream and So- B
 “ veraign Auditor, shall please to place and value us, and like Coyn to
 “ pass, are made currant by your Royal Stamp and Impression; onely I
 “ shall neither disable nor under-value my self, but with a faithful and
 “ chearful heart, apply my self with the best of my strength and abilities,
 “ to the performance of this weighty and publick Charge, wherein as I
 “ do and shall to the end, most humbly desire your gracious acceptance
 “ of my good intentions and endeavors: So I could not but gather some
 “ confidence to my self, that your Majesty will look favorably upon the
 “ works of your own hands. And in truth, besides this particular, these C
 “ publick things which are obvious to every Understanding, are so many
 “ Arguments of Comfort and Encouragement, where I contemplate
 “ and take a view of those great and inestimable blessings, which by the
 “ goodness of God, we do enjoy under your Majesties most pious and
 “ prudent Government.

“ If we behold the frame and the face of the Government in general,
 “ we live under a *Monarchy*, the best of Governments, the nearest re-
 “ semblance unto the *Divine Majesty* which the Earth affords, the most D
 “ agreeable to Nature, and that in which other States and Republicks
 “ do easily fall and reverse into the Ocean, and are naturally dissolved as
 “ into their *Primum Materiam*. The *Laws* by which we are governed, are
 “ above any value my words can set upon them; time hath refined and
 “ approved them; they are equal at least to any *Laws Humane*, and so
 “ curiously framed and fitted, that as we live under a temperate climate,
 “ so the *Laws* are temperate, yielding a due observance to the Preroga-
 “ tive Royal, and yet preserving the Right and Liberty of the Subject; E
 “ That which *Tacitus* saith of two of the best Emperors, *Res olim insocia-*
 “ *biles miscuerunt, imperium & libertas*, and so far is this from the least
 “ diminution of Sovereigns, that in this your Majesty is truly stiled *Pater*
 “ *Patria*, and the greatest King in the World, that is King of such and
 “ so many Free-born Subjects, whose persons you have not onely power
 “ over, but, which is above the greatest of Kings, to command their
 “ hearts. If time or corruption of manners breed any Mists or
 “ Grievance, or discover any defects in the Law, they are soon re- F
 “ formed by Parliament, the greatest Court of Justice, and the
 “ greatest Council of the Kingdom, to which all other Courts and
 “ Councils are subordinate. Here your Royal Person sits introned in
 “ the Seat of Majesty, attended by a Reverend and Learned Prelacy,
 “ a great and full Nobility introned like Stars in the Firmament;

“ some

“some of a greater, some of a lesser magnitude, full of light and beauty,
 “and acknowledging to whom they owe their lustre; and by a choise
 “number of worthy Knights and Gentlemen that represent the whole
 “body of your Commons. But to leave generals; We live not under a
 “Monarchy only the best of Governments, and under a Government the
 “best of Monarchies, but under a King the best of Monarchs. Your Royal
 “Person, and those eminent graces and vertues which are inherent in your
 A “Person, (in whom Greatness and Goodness contend for superiority) it
 “were presumption in me to touch, though with never so good a meaning;
 “they will not be bounded within the narrow compass of my discourse:
 “And such Pictures of such a King are not to be made in Limning, but
 “for Publick things and actions which the least eye may see and discern,
 “and in them obliquely and by reflexion cheerfully and with comfort be-
 “hold your Person. What Age shall not record and eternise your Princely
 “magnanimities in that Heroick action or venturous Journey into *Spain*,
 B “or hazarding your Person to preserve the Kingdom? Fathers will tell it
 “to their children in succession; After-ages will then think it a Fable.
 “Your piety to the Memory of your dear Father, in following and bedew-
 “ing his Herse with your tears, is full in every mans memory. The *Publick*
 “*Humiliation* when Gods hand lay heavy upon us, and the late *Publick*
 “*Thanksgiving* to Almighty God for removing his hand, both com-
 “manded and performed in person by your Majesty, is a work in piety not
 “to be forgotten, and I trust the Lord will remember them and reward
 C “them with mercy and blessing to your Majesty and the whole Kingdom.
 “Your love to Justice, and your care in the administration of Justice, we all
 “behold with comfort and rejoyce to see it; The great Courts of Justice
 “from the highest to the lowest furnished with Judges of that wisdom and
 “gravity, learning and integrity: The Thrones of Kings are established
 “by Justice; and may it establish, and I doubt not but it will establish the
 “Throne of your Majesty in your Person and in your Royal Line, to the
 “end of time. But above all, and indeed it is above all as far as Heaven is
 D “distant from Earth, your care and zeal for the advancement of Gods true
 “Religion and Worship, are cleerly and fully exprest and do appear both
 “in your Person, and by your many Publick Acts and Edicts. It is true
 “that is said of Princes, *Quod faciunt, precipiunt*: Of your Majesty both
 “are true, and a Proposition made convertible. We have received a most
 “gracious Answer from your Majesty to all our late Petitions concerning
 “Religion, seconded with a Publick Declaration under the Great Seal,
 “and Inrolled in all the Courts of Justice, for your Royal pleasure and
 E “direction to awaken and put life into these Laws by a careful Execution,
 “with provision that the Penalties be not converted to your Private Cof-
 “fers, (and yet the Coffers of Kings are not Private Coffers) but by
 “your exprest direction set apart to Publick uses, such as concern the
 “immediate Defence of the Kingdom, wherein we all have our share and
 “interest. Your Royal Proclamation hath commanded those Romish
 “Priests and Jesuites to Banishment, those Incendiaries that infect the
 “State of this Church and Commonwealth. Their very entrance into
 F “this Kingdom, is by a just and provident Law made Treason; their aims
 “being in truth (how specious soever their pretences be) nothing else
 “but to plot and contrive Treason against the State, and to seduce your
 “Natnral born Subjects from their true obedience, nourishing in their
 “posterities Factions and Seditions: Witness those many Treasons
 “and Conspiracies against the person of that glorious Lady, whose

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"memory will never die; and that horrible matchless Conspiracie, the
 "Powder-Treason, the Master-piece of the Devil. But God that preserved
 "her and your Royal Father against all their treacherous Conspiracies,
 "and hath given you a heart to honor him, will honor and preserve you:
 "Religion will more truly keep your Kingdoms, then the Seas do com-
 "pass them: It is the joy of heart to your Majesties loyal and well-affected
 "Subjects, and will ever be the honor of your Regal Diadem, and the
 "Crown of your Crown. The Spanish Invasion in *Eighty Eight* I hope
 "will ever be remembred in *England*, with thankful acknowledgment to
 "God for so great a deliverance: And I assure my self it is remembred
 "in *Spain*, but with another mind, a mind of Revenge; they are too con-
 "stant to their Counsels, to acquit their Resolutions and Purposes that
 "drew on that Attempt. It was long before discovered, and since
 "printed not without their liking, That they affect an Universal Mo-
 "narchy. *Videor mihi videre* (saith *Lipsius* of their State) *Solem orientem*
 "ab Occidente; a Monster in Nature. And one of their own, speaking of
 "the two great Lights which God hath placed in the Firmament, makes
 "the Pope *Luminare majus presidens urbi & orbi*; and the King of *Spain*,
 "Luminare minus ut subdatur urbi & dominetur per totum orbem: A great
 "flattery, and a bold and impudent elusion. But I trust, as God hath put
 "it into the heart of your blessed Father, by that matchless Book of his
 "written to all Christian Monarchs and Princes, (a Work by which he
 "raised a Monument to himself more lasting then Marble) to denounce
 "War to that Adversary of God and Kings, the Pope; so he hath set
 "your sacred Majesty upon the Throne of your Father, to do as many
 "things worthy to be written, as he had written things worthy to be read:
 "amongst them, to restrain that unlimited pride and boundless ambition of
 "Spain, to reduce it to their proper current & channel; who under the title
 "of *Catholick King*, makes his pretence to more Countries and Kingdoms
 "then his own; and by color of disguised Treaties he invades the *Pala-*
 "tinate, and dispossesteth that Incomparable Lady your Royal Sister, and
 "the Children of this Kingdom, of their right and their antient Patri-
 "mony and Inheritance, to the discomfort and dishonor of this great
 "and glorious Nation. God in his mercy soon repair this breach by your
 "Royal head; and I assure my self, the hearts, the hands, and the purses
 "of all good Subjects will say *Amen*.

"But I may weary your Majesty, and lose my self, and forget for
 "whom I am a Speaker. Custom gives me the priviledge as an humble
 "Suitor on the behalf of the House, to present their few Petitions unto
 "your Majesty.

1. "The first, That for our better attending this Publick and im-
 "portant service, our selves and our necessary Attendants may with your
 "Majesties tender allowance be free both in our persons and goods from
 "Arrests and troubles, according to our antient Priviledges.

2. "The next; That since for the preparing and drawing to con-
 "clusion such Propositions as shall be handled in the House, Debate and
 "Dispute will be necessary, and by variety of opinions Truth is oftentimes
 "best discerned, your Majesty will likewise according to your antient usage
 "and priviledge vouchsafe us liberty and freedom of speech, from which
 "I assure my self duty and loyalty to your Majesty will never be severed.

3. "That when occasions of moment shall require, your Majesty
 "upon our humble suit, and at such times as may best sort with your oc-
 "casions, will vouchsafe us access to your Royal person.

4. "That

4. "That the Proceedings of the House may receive a favorable Interpretation at your gracious hands, and be free from misconstructions.

The Houses began their work with rendering thanks to the King for his gracious Answer to their late Petition for Religion.

A An Act was tendred and read, To administer an Oath for the rendering a true Accompt of all General and Publick Taxes, Rates and Collections. Another against Scandalous Ministers. It was moved, some Provision might be made against Scandalous Livings, as well as against Scandalous Ministers.

B The Commons further fell into Examination of the Publick Grievances, and the Carriage, or rather Miscarriage of the Fleet to Cadiz; The Evil Counsellors about the King; Misgovernment and Misemployment of the Kings Revenue; An Accompt of the Subsidies and Three Fifteens granted 21 Jacobi; And resolved of a Committee for secret Affairs, and another for Grievances, to sit every Friday and Wednesday during the Parliament. And Mr. Whitby was commanded to the Chair for the Committee for Grievances; where were delivered these ensuing Consultations.

Grievances taken into consideration.

I. [*The State of the King in the Constant Revenue of the Crown.*]

Grievances laid open.

C 1. What it was, and how for the *Introitus* and *Exitus* they are ordered.

2. What now it is, either in cleer, or by Lands, by Customs and Impositions, or by Casualties.

3. The means how it is abated, By gifts of Lands *ex mero motu*, and no valuable consideration, and this may be revoked.

By grants of Pensions, now 120000*l.* before but 80000*l.* Good Times have resumed them, or contracted them upon Necessity.

D By increase of Household from 45000*l.* to 80000*l.* the Purveyors more, and the Tables less furnished then formerly.

By fruitless Ambassadors, with larger allowance then formerly: To reduce them to the Ordinary of the late Queen.

By treble increase of the Privy-Purse.

By double increase of the Treasury of the Chamber and Great Wardrobe.

E In all by not using the best course of Assignments, whereby the Creditors are delayed in the payment, and the King surcharged in the price; the Exchequer-man making his profit from the Kings wants.

II. [*The Condition of the Subject in his Freedom.*]

F 1. Formerly in Taxes by Parliaments, as by Subsidies and Fifteens, spent onely on Defence of the State, or Aid of our Allies; by Tonage and Poundage, employed in Guard of the Seas; Loans rarely, and those employed intirely for the Publick; Imposition by Prerogative of old Customs, rated easily by the Book of Rates, if any, either limited to time or measure.

2. New Impositions and Monopolies multiplied, and settled to continue by Grants, Customs Inhannced by the new Book of Rates.

Tonage and Poundage levied, though no Act of Parliament, nor Seas guarded; the Times, the Wayes, and the Persons that induce these.

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3. The Imploiment or Waste of the Treasure: What Sums have been granted for the Defence of the State, the last Three years; How in particular spent, and where; By what Advice, as by the direction of the Council of War appointed by Parliament, by full Order of the Council, by any other then those, and by whom.

First, Publick Treasury is to be examined.

Secondly, The Kings Subjects, how many, and when transported and employed as to the *Palatinate*, Count *Mansfields* Land-soldiers in the last Fleet: The Designs where they were sent; the Council that directed it; the success of the Action; and the Return of the persons in number, and the Loss.

Thirdly, In Ships and Munition our own, The Number and Quantity employed severally; the Number imbarqued in those Ships; and what prejudice and discouragement of Trade; the Council that directed such Imploiments; the several success, as at *Algier* and *Cadiz*. Strangers, and those Ships either of Allies or Enemies: Allies hired by Contract to serve, and how used, or taken as Prize; if so, how then delivered and dealt withal in the course of Justice; what success hath followed upon Injustice done them, as the Arrest of our Goods in *France* and *Germany*, whereby our Merchants are at a stand; The number and true value of the Goods, the Accompt thereof made to his Majesty or his Officers; the dismissing and discharging any of them, or the Goods, viz. by whom, the Directions, the Pretence, the Value of the Goods, the Place whither they went.

Honor of the King; which, as in all other things, consists in what formerly hath been done: How formerly we stood a Nation feared, renowned, victorious: We made the *Netherlands* a State, when they were none; Recovered *Henry* the Fourth of *France* his Kingdom, when he had nothing left but the Town of *Diep*; Conquered the Invincible Navy of *Spain*, in Anno 1588. Took Towns in *Portugal* the Year following, and marched One hundred miles upon the Firm ground; Fired or brought away the Spanish Navy before *Cadiz*, and sack'd the Town, took the Spanish ships daily, and spoiled the Port-Towns of the *West-Indies*, never losing but one ship during the Spanish War; reducing the Condition of that King from a Fifth Monarchy to so low an Ebb, that in one Year he paid Two thousand five hundred Millions of Duckets for Interest; so as after he was enforced to beg Treaties of Peace and low Terms at the last Queen-Regents hands.

III. [*The Cause of the good Success then.*]

A Carriage and readiness to assist their Sovereign in purse and person; A Wisdom and Gravity of Council, who ordered nothing but by publick Debate, and then assisted with the Military Professors either by Land or Sea of the best repute, and such only employed.

IV. [*In what Condition we now stand.*]

By the loss of Reputation, by the ill success in the Voyage for *Algier*, in the *Palatinate*, in the Expedition with *Mansfield*, in the last to *Cadiz*.

The Reasons are,

The uncheertulness we have either to adventure our purses or persons, occasioned by a distrust we have of the success, the want of the like Courses and Councils that were formerly used.

It

It was wished, that for every of the Four Heads there were a particular Committee to examine and prepare a Report for the Houses; and the House upon every Report to put it self into a Committee of the whole Assembly, and after a full and deliberate Debate, to order a Model or Form for a Conference with the Lords, and so together humbly to present to his Majesty a Remonstrance of their Labor; offering withall a second Consultation and Debate amongst themselves for finding out the fittest means both for the defence of the State and our Allies, Reformation of the Errors, and a constant way to raise such Supplies as may enable his Majesty to proceed cheerfully, and as they hoped assuredly in this his glorious Action, not only for himself and State, but all that profess the same Religion, and are like to be overwhelmed in the Ambition of the Spanish Monarchy.

Also a Committee was named concerning Religion, and the Growth of Popery; and *Montague's* [*Appeal to Caesar*] was again brought in question.

This Book the Commons referred to the Committee for Religion, from whom Mr. *Pym* Reported to the House the several Erroneous Opinions therein contained; and the House passed their Votes thereupon, That Mr. *Montague* endeavored to reconcile *England* to *Rome*, and to alienate the Kings affections from his well-affected Subjects.

The Articles exhibited against him were these.

Articles exhibited by the Commons against *Richard Montague* Clerk.

THAT he the said *Richard Montague*, in or about the 21. year of the Reign of our late Sovereign Lord King *JAMES* of famous memory, hath caused to be Printed, and in his name to be Published, one Book called, *An Answer to the late Gagg of Protestants*; and in or about Anno 22. of the same King, he caused to be Printed and Published one other Book, Entituled, *A Treatise of the Invocations of Saints*; and likewise in the First year of his Majesties Reign that now is, he procured to be Printed, and in his name to be Published another Book, Entituled, *An Appeal to Caesar*: In every of which Books he hath maintained and confirmed some Doctrine contrary or repugnant to the Articles agreed by the Archbishops and Bishops of both Provinces, and the whole Clergy, holden in the Convocation at *London*, Anno Domini 1562. according to the computation of the Church of *England*, for avoiding Diversity of Opinions, and for establishing Consent touching true Religion: All which appears in the places hereafter mentioned; and in divers other places and passages of the same Books; And by his so doing hath broken the Laws and Statutes of this Realm in that Case provided; and very much disturbed both the Peace of Church and Commonwealth.

Articles against Mr
Montague.

I. Whereas in the Five and thirtieth Article of the Articles aforementioned, it is declared, That the Second Book of Homilies doth contain a Godly and wholesom Doctrine; in the sixteenth Homily of which Book, it is determined, That the Church of *Rome*, as it is at present, and hath been for the space of Nine hundred years and odd, is so far wide from the nature of a True Church, that nothing can be more: He, the said *Richard Montague*, in several places of his said Book, called,

The

An. 1625. *The Answer to the Gagg*, and in his other Book, called, *The Appeal*, doth advisedly maintain and affirm, That the Church of *Rome* is and ever was a True Church since it was a Church.

II. Whereas in the same Homily it is likewise declared, That the Church of *Rome* is not built upon the Foundation of the Prophets and Apostles; and in the Eight and twentieth Article of the said Articles, That Transubstantiation overthroweth the nature of a Sacrament; and in the Five and twentieth of the same Article, That five other reputed Sacraments of the Church of *Rome*, are not to be accounted Sacraments; yet contrary and repugnant hereunto, he, the said *Richard Montague*, doth maintain and affirm in his Book aforesaid, called, *The Answer to the Gagg*, That the Church of *Rome* hath ever remained firm upon the same Foundation of Sacraments and Doctrine instituted by God.

III. In the nineteenth of the same Article, it is further determined, That the Church of *Rome* hath erred, not onely in their living and matters of Ceremony; but also in matters of Faith. He the said *Richard Montague*, speaking of those Points which belong to Faith and good manners, Hope and Charity, doth in the said Book, called, *The Gagg*, affirm and maintain, That none of these are controverted in their Points, meaning the Protestants and Papists; and notwithstanding that in the One and thirtieth Article, it is resolved, That the Sacrifice of Masses, in which, as it is commonly said, the Priest did offer Christ for the Quick and the Dead, to have remission of Pain and Guilt too, is a Blasphemous Fable, and dangerous Deceit, this being one of the Points controverted between the Church of *England* and the Church of *Rome*. The said *Richard Montague* in his Book, called *The Gagg*, doth affirm and maintain, That the controverted Points are of a lesser and inferior nature, of which a man may be ignorant without any danger of his Soul at all, a man may resolve to oppose this or that without peril of perishing for ever.

IV. Whereas in the second Homily, Entituled, *Against Peril of Idolatry*, contained in the aforesaid Book of Homilies, approved by the Seven and thirtieth Article aforesaid; It is declared, That Images teach no good Lesson, neither of God nor Godliness, but all Error and Wickedness: He the said *Richard Montague*, in the Book of *Gagg* aforesaid, doth affirm and maintain, That Images may be used for the instruction of the Ignorant, and excitation of Devotion.

V. That in the same Homily it is plainly expressed, That the attributing the defence of certain Countries to Saints, is a spoiling God of his honor, and that such Saints are but *Dii tutelares* of the Gentiles Idolators: The said *Richard Montague* hath notwithstanding in his said Book, Entituled, *A Treatise concerning the Invocation of Saints*, affirmed and maintained, That Saints have not onely a Memory, but a more peculiar Charge of their Friends; and that it may be admitted, That some Saints have a peculiar Patronage, Custody, Protection and Power, as Angels also have, over certain Persons and Countries by special deputation; and that it is no impiety so to believe: Whereas in the seventeenth of the said Articles, it is resolved, That God hath certainly Decreed by his Counsel, secret to us, to deliver from Curse and Damnation those whom he hath chosen

chosen in Christ out of mankinde, and to bring them by Christ to everlasting Salvation; wherefore they which be endued with so excellent a benefit of God, be called according to Gods purpose, working in due season, they through Grace obey the Calling, they be justified freely, walk Religiously in good works, and at length by Gods mercy attain to everlasting felicity: He, the said *Richard Montague*, in the said Book, called *The Appeal*, doth maintain and affirm, That men justified may fall away, and depart from the state which once they had; they may arise Again, and become new men possibly, but not certainly nor necessarily. and the better to countenance this his opinion, he hath in the same Book wilfully added, falsified and charged divers words of the sixteenth of the Articles before mentioned, and divers other words, both in the Book of Homilies, and in the Book of Common-Prayer, and so misrecited, and changed the said places he doth alleadge in the said Book, called, *The Appeal*, endeavouring thereby to lay a most wicked and malicious scandal upon the Church of *England*, as if he did herein differ from the Reformed Churches of *England*, and from the Reformed Churches beyond the Seas, and did consent to those pernicious Errors, which are commonly called Arminianism, and which the late famous Queen *Elizabeth*, and King *James* of happy memory, did so piously and diligently labour to suppress.

That the said *Richard Montague*, contrary to his Duty and Allegiance hath endeavored to raise great Factions and Divisions in this Commonwealth, by casting the odious and scandalous name of *Puritans* upon such his Majesties loving Subjects as conform themselves to the Doctrine and Ceremony of the Church of *England*, under that name laying upon them divers false and malicious Imputations, so to bring them into jealousy and displeasure with his most Excellent Majesty, and into reproach and ignominy with the rest of the people, to the great danger of Sedition and Disturbance in the State, if it be not timely prevented.

That the Scope and end of the said *Richard Montague* in the Books before mentioned, is to give encouragement to Popery, and to withdraw his Majesties Subjects from the true Religion established, to the Roman Superstition, and consequently to be reconciled to the Sea of *Rome*; All which he laboreth by subtile and cunning ways, whereby Gods True Religion hath been much scandalized, those Mischiefs introduced which the wisdom of many Laws hath endeavored to prevent, the Devices and Practices of his Majesties Enemies have been furthered and advanced, to the great peril and hazard of our Sovereign Lord the King, and of all his Dominions and loving Subjects.

That the said *Richard Montague* hath inserted into the said Book, called *The Appeal*, divers passages dishonorable to the late King, his Majesties Father of famous memory, full of bitterness, railing and injurious Speeches to other persons, disgracefull and contemptible to many worthy Divines both of this Kingdom, and of other Reformed Churches beyond the Seas, impious and profane in scoffing at preaching, meditating and conferring, Pulpits, Lectures, Bible, and all shew of Religion; all which do aggravate his former Offences, having proceeded from malicious and envenomed heat against the Peace of the Church, and the sincerity of the Reformed Religion publicly professed, and by Law established in this Kingdom. All which Offences, being to the dishonor of God, and of most mischievous effect and consequence against the good of this Church and Commonwealth of *England*, and of other his Majesties

An. 1625.

People prohibited for going to Masse at Ambassadors Houses.

The Atturney's Letter to the Judges concerning Recusants.

Realms and Dominions. The Commons assembled in Parliament, do hereby pray, That the said *Richard Montague* may be punished according to his Demerits, in such exemplary manner, as may deter others from attempting so presumptuously to disturb the Peace of Church and State, and that the Book aforesaid, may be suppressed and Burnt.

Whether an Answer was made to these Articles by Mr *Montague*, we cannot tell, for upon search we can finde none.

About the same time his Majesty being informed that there was great liberty taken by divers of his Subjects to resort to the hearing of Masse at *Durham-house* in the Lodgings of a Foreign Ambassador; the Privy Council taking notice thereof, and accounting it scandalous to this Church, and of ill example to be suffered at any time, but much more in this time of Parliament, required the Bishop of *Durham* to apprehend such of his Majesties Subjects as should be present at the Masse, and to commit them to Prison.

There was also a Letter sent from the Attorney-General to the Judges of the Circuits, to direct their Proceedings against Recusants, to this effect.

That their Lordships will not omit to publish the Kings Gracious and Religious Determination, to go on really and constantly in this way, and that out of his bounty and goodness he hath published his Resolution under the Great Seal of England, That whatsoever Revenue or Benefit shall arise hereby, from Purges of Popish Recusants, shall be set apart from his own Treasure, and be wholly employed for the Service of the Commonwealth, and shall not be dispensed with to any of what degree soever, nor diverted by any the Suits of his Servants or Subjects.

2. That their Lordships will be pleased at their first coming into every County within their Circuit, to command the Clerk of Assise, and Clerk of the Peace, to be carefull for the Indictment of Popish Recusants, without respect of Persons, of what Degree of Honor or Office soever; and that they neither make, nor suffer to be made any omission, or mistaking in their Indictment, or other proceedings; and that the next Term, within ten dayes of the beginning of the Term they give or send to him (viz. the Attorney) a note in writing, who stand indicted of new, and that they fail not to certifie the Recusants convicted into the Exchequer by that time.

That at their Lordships first coming into the County they call the Justices of Peace then present, and the Grand-Jury men to give their Lordships true Information of the Recusants of any Note or Name in that Country; and that thereupon their Lordships will be pleased to take care that the Grand-Jury men, either by Evident, or their own Knowledge indict them which are not already indicted, before the end of the Assises; and that their Lordships admit no Traverse, unless the Persons convicted have first yeilded their bodies into the custody of the Sheriff, as their Lordships know well all the Judges with one voice resolved the Law to be.

3. That there be special care taken of Schoolmasters and Teachers of any kinde, who are Popish, that they be presented and proceeded against.

4. That their Lordships give knowledge to the Counties where they sit, that the married Women, who are Popish Recusants, convicted by the Law ought to be committed to the Common-Goal without Bail, unless their husbands redeem their liberty by the constant payment of 10 l. a moneth, and that it must be executed.

Inner-Temple,
Mar. 7. 1625.

Your Lordships ready to be commanded,
ROB. HEATH.

The

A The Commons proceeded in the Examination of Grievances, and had a Report made unto them, That the reason wherefore our Merchants Ships and Goods were seized in *France*, was by reason of Sir *James Bagg*, Vice-Admiral for *Cornwal*, and other mens dealings towards the French in seizing upon their goods in several Ports in *England*, and particularly the seizing of the Ship called the *Peter* of *New-haven*, and brought into *Plymouth* by order from the Lord Duke, after the King and Council had ordered this Ship to be restored upon a just Claim, and that the Court of Admiralty had also released her; That till this action the French did not begin to seize any English Goods or Ships; That twenty and three bags of silver, and eight bags of gold were by Sir *Francis Steward* delivered to the Lord Duke; the Duke having notice hereof, said, he would justify the stay of the Ship by order from the King.

B The Council of War appointed to manage the business for the relief of the *Palatinate*, were called into the House of Commons, and this Question was propounded unto them; Whether their Advice was followed which they gave for the four Ends mentioned in the Act of Parliament 21 *Jacobi*, for which the moneys given by that Act were to issue? Lord *Carey* Earl of *Totnes*, and Lord *Brook* desired to be excused from answering; the Lord *Vere* said, He had been much absent in the *Low-Countries*, and could say little; the Lord *Grandison* said, that since *July* last they had seldom met; Sir *Robert Mansel*, and Sir *John Oyle* desired a Copy of the Question, and that they might all confer together before they gave Answer to a Question of this Concernment: Afterwards the same persons (except the Lord *Vere*) were called in again, who gave unsatisfactory answers, when they were pressed to deal clearly and fully in the business; It was answered by some of them, That they conceived by the Act of Parliament they were bound to make no other Answer then what they had done: Others desired before they answered, that they might have the Kings consent first; That obtained, and a special Order of the House requiring an Answer, Sir *Robert Mansel* declared his readiness to give a clear and full Account.

The Council of War for the *Palatinate*, questioned in the House of Commons.

While matters were thus debated, Mr Secretary *Cook* delivered a Message from the King to the Commons, declaring his Majesties occasion for Supply.

E This Message was strengthened by a Conference which the Lords, desired with the Commons; where *William* Earl of *Pembroke* represented the Affairs of *Christendom*, how they stood before the breach of the Treaties with *Spain*, and how at that present; shewing, That the condition of the *Palatinate* was nothing bettered; That Count *Mansfelds* Army was raised for the diversion of the League Catholick in *Germany*; That the King of *Denmark* had thereupon engaged himself to stand or fall in this Quarrel, in case of Supplies; That the Swedes were forward; and lastly, That his Majesty had made a strict Alliance with the Hollander upon these terms, That they shall bear a fourth part of the expence of our Navy, and onely have a fourth part of the spoils; the Lands and Cities conquered to be the Kings: The fruits of all rich advantages will be lost, if a speedy Assistance be not resolved on.

The Earl of *Pembroke* at a Conference presseth Supply.

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Reports from
the Commit-
tee concern-
ing Evils and
Remedies.A Committee
of the Lords
House, to con-
sider of the
safety of the
Kingdom;communicated
to the Com-
mons.Not well re-
sented.The Kings
Letter to the
Speaker.

The Commons not thinking fit to take into consideration the matter of Supply at present, call for a Report from the Committee appointed to consider of the Causes and Remedies of Evils, which being made by Mr *Wandesford*; it was resolved, That the Diminution of the Kingdom in strength and honor, is a general Evil which we suffer under; a second, the increase and countenancing of Papists; a third, the not guarding of the narrow Seas; a fourth, Plurality of Offices in one hand; a fifth, sales of Honors and places of Judicature; a sixth, delivery up of Ships to the French; a Seventh, misemployment of three Subsidies and three fifteens, &c. And they further ordered, That the Duke whom these Misdemeanors especially reflected on, have notice that the Commons House intend suddenly to resume the debate of these things, and Mr *Clement Cook* said openly, *That it were better to die by an Enemy, then to suffer at home.*

The Lords at that time, more readily complying with the Kings desires, appointed a Committee to consider of the safety and defence of the Kingdom in general, and particularly of the safeguard of the Seas, the store of Ammunition and Arms, and all things incident thereunto, and of strengthening the Forts; for this the King gave them thanks, and desired them to proceed with alacrity.

The Committee of Lords made haste and reported their advice to the House, That one Fleet be presently set to Sea against the King of *Spain* to annoy him, and to prevent the Invasion of this Kingdom: That another be set out to defend our own Coasts, and the Merchants from Pirates; and that consideration be had of maintaining the Armies under the King of *Denmark* and Count *Mansfield*; but the House would give no opinion thereupon, till they had Conference with the House of Commons, which was desired upon this occasion.

To which Message the Commons only returned this Answer, That they desire to have a good correspondence with their Lordships, and will be ever carefull of the safety and defence of the Kingdom, and maintain their own priviledges, as is fitting, and immediately proceed with the debate concerning the Duke, which was a little interrupted, as well by a Letter of the Kings to the Speaker, as by a Message delivered by Sir *Richard Weston* touching Supply.

King Charles to the Speaker.

Trusty and Welbeloved, &c.

HAVING assembled the Parliament early in the beginning of the year, for the more timely help and advice of our People in our great and important Affairs; and having of late, not onely by Message, but also of our self, put our House of Commons in minde of our pressing occasions, and of the present Estate of Christendom, wherein they have equal interest with us, as well in respect of their own former engagements, as of the common Cause; we shall not need to tell them with what care and patience we have in the midst of our Necessities attended their Resolutions; but because their unreasonable slowness may produce at home as ill effects as a Denial, and hazard the whole Estate of things abroad; we have thought fit by you the Speaker, to let them know, that without more loss of time, we look for a full and perfect Answer of what they will give for our Supply, according to our expectation

and

and their promises; wherein, as we press for nothing beyond the present state and condition of our Subjects, so we accept no less then is proportionable to the greatness and goodness of the Cause; neither do we press them to a present Resolution in this, with a purpose to precipitate their Counsels, much less to enter upon their Priviledges, but to shew, that it is unfit to depend any longer upon uncertainties; whereby the whole weight of the Affairs of Christendom may break in upon us upon the sudden, to our dishonor and the shame of this Nation: And for the business at home, we command you to promise them in our Name, that after they have satisfied us in this our reasonable Demand, we shall not onely continue them together at this time so long as the season will permit, but call them shortly again to perfect those necessary businesses which shall be now left undone; and now we shall willingly apply fit and seasonable remedies to such just Grievances which they shall present unto us in a dutifull and mannerly way, without throwing an ill odor upon our present Government, or upon the Government of our late blessed Father; and if there be yet who desire to finde fault, we shall think him the wisest reprehendor of errors past, who without reflecting backward, can give us counsel how to settle the present estate of things, and to provide for the future safety and honor of the Kingdom.

The Heads of Sir Richard Westons Message for drawing a more speedy resolution from the House, besides that formerly understood concerning the King of Denmark, Count Mansfield and his Majesties Army in the Low-Countries, were these.

I. **T**hat his Majesties fleet being returned, and the victuals spent, the men must of necessity be discharged, and their wages paid, or else an assured mutiny will follow, which may be many wayes dangerous at this time.

Sir Richard Westons Message.

II. That his Majesty hath made ready about forty ships to be set forth on a second voyage to hinder the Enemy, which want onely victuals and some men, which without present supply of money cannot be set forth and kept together.

III. That the Army which is appointed in every Coast must presently be disbanded, if they be not presently supplied with victuals and clothes.

IV. That if the Companies of Ireland lately sent thither be not provided for, instead of defending that Country, they will prove the Authors of Rebellion.

V. That the season of providing healthfull victuals will be past if this Moneth be neglected.

And therefore his Majesty commanded me to tell you, that he desired to know without further delaying of time, what supply you will give him for these his present occasions, that he may accordingly frame his course and counsel.

Which Message produced this Answer from the Commons.

An. 1625.

The Commons Answer
to the Kings
Message by Sir
Richard
Weston.

Most gracious Sovereign,

“ **Y**our Majesties Dutifull and Loyal Subjects the Commons now
 “ assembled in Parliament, in all humility present unto your Royal
 “ wisdom this their Loyal Answer to the Message which your Ma-
 “ jesty was pleased by the Chancellor of your Exchequer to send unto
 “ them, desiring to know without any further deferring of time, what Sup-
 “ ply they would give to your Majesty for your present and extraordi-
 “ nary occasions, that you might accordingly frame your Courses and
 “ Counsels: First of all, they most humbly beseech your Majesty to
 “ know and rest assured, That no King was ever dearer to his peo-
 “ ple, then your Majesty; no people more zealous to maintain and
 “ advance the Honor and Greatness of their King, then they; which,
 “ as upon all occasions they shall be ready to express, so especially in the
 “ Support of that Cause wherein your Majesty and your Allies are now
 “ justly engaged. And because they cannot doubt but your Majesty in
 “ your great wisdom, even out of Justice, and according to the Example
 “ of your most famous Predecessors, will be pleased graciously to accept
 “ the faithfull and necessary Information and Advice of your Parliament,
 “ which can have no end but the service of your Majesty, and safety of
 “ your Realm, in discovering the Causes, and proposing the Remedies
 “ of these great Evils which have occasioned your Majesties Wants and
 “ your Peoples Grief :

“ They therefore, in confidence and full assurance of Redress therein,
 “ do with one consent propose (though in former time such Course hath
 “ been unused) that they really intend to assist and supply your Majesty
 “ in such a way, and in so ample a measure, as may make you safe at
 “ home, and feared abroad; for the dispatch whereof they will use
 “ such diligence, as your Majesties pressing and present occasions shall
 “ require.

His Majesty makes this Reply to the Commons Answer.

Mr Speaker,

The Kings
Reply.

“ **T**He Answer of the Commons delivered by you, I like well of,
 “ and do take it for a full and satisfactory Answer, and I thank
 “ them for it, and I hope you will with all Expedition take a
 “ Course for performance thereof, the which will turn to your own good
 “ as well as mine; but for your Clause therein of presenting of Grievances, I take that but for a Parenthesis in your Speech, and not
 “ a Condition; and yet, for answer to that part, I will tell you, I will be
 “ as willing to hear your Grievances, as my Predecessors have been, so
 “ that you will apply your selves to redress Grievances, and not to enquire
 “ after Grievances. I must let you know, that I will not allow any of my
 “ Servants to be questioned amongst you; much less such as are of emi-
 “ nent place, and neer unto me: The old question was, *What shall be*
 “ *done to the man whom the King will honor?* but now it hath been the
 “ labor of some, to seek what may be done against him whom the King
 “ thinks fit to honor. I see you specially aim at the Duke of *Bucking-*
 “ *ham*; I wonder what hath so altered your affections towards him; I
 “ do well remember that in the last Parliament in my Fathers time, when
 “ he

“ he was an Instrument to break the Treaties, all of you (and yet I can-
 “ not say all, for I know some of you are changed, but yet the House of
 “ Commons is alwayes the same) did so much honor and respect him,
 “ that all the honor conferred on him was too little; and what he hath
 “ done since to alter or change your mindes, I wot not; but can assure
 “ you, he hath not medled, or done any thing concerning the Publick or
 “ Commonwealth, but by special directions and appointment, and as
 A “ my Servant, and is so far from gaining or improving his Estate thereby,
 “ that I verily think he hath rather impaired the same. I would you
 “ would hasten for my Supply, or else it will be worse for your selves;
 “ For if any ill happen, I think I shall be the last shall feel it.

Afterwards the Commons fell upon the Duke, as the chief Cause of
 all Publick Miscarriages. Doctor Turner a Physitian propounded in the
 House these Questions, which were then commonly called *Queries* against
 B the Duke of Buckingham, and were grounded upon Publick Fame.

1. *Whether the Duke being Admiral, be not the Cause of the loss of the
 Kings Royalty in the Narrow-Seas?*

2. *Whether the unreasonable, exorbitant and immense Gifts of Money and
 Lands bestowed on the Duke and his Kindred, be not the Cause of impairing
 the Kings Revenue, and impoverishing of the Crown?*

3. *Whether the Multiplicity of Offices conferred upon the Duke and others
 depending upon him, (whereof they were not capable) be not the Cause of the
 C Evil Government of this Kingdom?*

4. *Whether Recusants in general, by a kind of Connivencie, be not borne
 out and increased by reason of the Dukes Mother and Father-in-law, being
 known Papists.*

5. *Whether the Sale of Honors, Offices, and Places of Judicature and
 Ecclesiastical Livings and Promotions, (a scandal and hurt to the Kingdom)
 be not through the Duke?*

D 6. *Whether the Dukes staying at home, being Admiral and General in
 the Fleet of the Sea, and Land-Army, were not the Cause of the bad success
 and overthrow of that Action; And whether he did give good direction for
 that Design? (All these are famed to be so.)*

Hereupon two Questions were moved in Parliament.

1. *Whether the Six Heads delivered by Doctor Turner to be the Cause
 of the Evils that were grounded upon Common Fame, be to be debated in Par-
 E liament?*

2. *Whether an Accusation upon Common Fame by a Member of this House,
 be a Parliamentary way?*

It was declared by Sir Tho. Wentworth, Mr. Noy, and other Lawyers in
 the Debate, That there was a difference between Common Fame and
 Rumor: For the General voice (*Vox populi*) is Common Fame: And
 if Common Fame might not be admitted as an Accuser, Great men
 would be the onely safe men; for no Private person dare adventure
 F to enquire into their Actions: But the House of Commons is a House
 of Information and Presentment, but not a House of Definitive
 Judgment.

So the House came to this Resolution; *That Common Fame is a good
 ground of Proceeding for this House, either by Enquiry, or presenting the Com-
 plaint (if the House finds cause) to the King or Lords.*

The

Doctor Turners
 Queries against
 the Duke.

An. 1625.

Another Message from the King by Sir Richard Weston.

The Commons the next day proceeding in that Debate, Sir Richard Weston delivered to the House this Message from his Majesty.

“**T**Hat his Majesty had taken notice of a seditious Speech uttered in the House by Mr. *Clement Cook*: The words are said to be to this effect; *That it were better to die by an Enemy, then to suffer at home.* Yet his Majesty in his wisdom hath forborne to take any course therein, or to send to the House about it, not doubting but the House would in due time correct such an Insolence. But his Majesty hath found that his patience hath wrought to an ill effect, and hath imboldened one since to do a strange act, in a strange way and unusual; that is, Doctor. *Turner*; who on Saturday last, without any ground of knowledge in himself, or Proof tendred to the House, made an Enquiry of sundry Articles against the Duke of *Buckingham*, as he pretended, but indeed against the Honor and Government of the King and his late Father. This his Majesty saith is such an Example, that he can by no means suffer, though it were to make Enquiry of the meanest of his Servants, much less against one so neer unto himself; and doth wonder at the foolish impudencie of any man that can think he should be drawn out of any end to offer such a Sacrifice, much unworthy the greatness of a King, and Master of such a Servant. And therefore his Majesty can no longer use his wonted patience, but desireth the Justice of the House against the Delinquents; not doubting but such course will be taken, that he shall not be constrained to use his Regal authority to right himself against these two Persons.

Dr. Turners Explanation.

Upon this Message, Doctor *Turner* made a short Explanation of himself, desiring to know wherewith he was charged: What he said, he said the House can witness; and what he said, he spake for the general good of the Commonwealth, and not upon the least reflection of any in particular. This he thought a Parliamentary way warranted by antient Presidents. To accuse upon *Common Fame*, he finds warranted first by the Imperial Roman Laws and the Canons of the Church, which allowed *Common Fame* sufficient to accuse any man. And they that are learned amongst them, give two reasons: First, for Greatness; Next, for Cunning. Our Ancestors within these walls have done the like, and that to a Duke, the Duke of *Suffolk* in the time of King *H. 6.* who was accused upon Fame. And lastly (he said) Mr. Chancellor himself did present the *Common Undertakers* upon Particular Fame; and why he should not have as ample privilege in this place, he knew no reason to the contrary.

The Commons having appointed another day for the Debate of this Business, in the mean time came this Letter from Doctor *Turner* to the Speaker.

Dr. Turners Letter to the Speaker.

SIR,
THese Lines first Petition you to signifie to the Honorable House of Commons, That my desires are still the same to have made my personal appearance before you, but my ability and strength to perform it are not the same; And therefore that I humbly desire them to excuse me on that part, and to accept of this my Answer unto the matter I shall speak to. I do confess, that on Saturday last in the afternoon I did deliver in certain Accusations of *Common Fame* into the House of Parliament against my Lord Admiral; and that out of so many (all bearing the signature of *Vox populi*) I chose out some few,

A few, not because they were greater, or more known Grievances, but because they did seem to direct us to find out the Griever, or the first Cause: For I did think it was then full time to agree the Agent and the Actions, and that it was time also to leave considering Grievances in Arbitration. I do now also agree unto you that which hath been reported unto you by Mr. Wandesford; and by that, if you shall think fit, will put my self unto your Censure: hoping and assuring my self, that you will find my design to include nothing else within it but duty and publick service to my Country; and also that my addressing those Accusations unto the House of Parliament, shall by you be found to be done by a mannerly and Parliamentary way. But howsoever it becomes me to submit my Cause to your Wisdoms and equal Judgments; which I do heartily; and whatsoever you shall please to appoint me, I shall dutifully satisfie, when God shall be pleased to restore me able to attend your service. I doubt not but to give you an honest accompt of all my Actions herein; And if I shall first to my grave, I desire, if you find me cleer, the reputation of an Honest man and an English-man may attend me thereunto. Thus I rest

Your dutiful and humble Servant,

To the Honorable Sir Henage Finch,
Speaker of the House of Commons.

SAMUEL TURNER.

C The Monday following, Sir W. Walter (if the Name be not miswritten in our Collections) represented to the House, That the Cause of all the Grievances was, for that (according as it was said of Lewis the Eleventh King of France) *All the Kings Council rides upon one horse.* And therefore the Parliament was to advise his Majesty, as *Jethro* did *Moses*, to take unto him Assistants with these qualities.

Sir W. Walters
opinion of the
Cause of
Grievances.

1. Noble from among all the People; not Upstarts, and of a Nights growth.
2. Men of Courage; such as will execute their own Places, and not commit them to base and undeserving Deputies.
- D 3. Fearing God; who halt not betwixt two opinions, or incline to False worship in respect of a Mother, Wife or Father.
4. Dealing truly; for Courtship, Flattery and Pretence become not Kings Councillors, but they must be such as the King and Kingdom may trust.
5. Hating Covetousness; No Bribers nor Sellers of Places in Church or Commonwealth, much less Honors and Places about the King, and least of all such as live upon other mens ruines.
- E 6. They should be many, set over Thousands, Hundreds, Fifties and Tens, (one Man not ingrossing all.) Where there is abundance of Counsel, there is Peace and Safety.
7. They must judge of small matters; the greater must go to the King himself, not all to the Council, much less any one Counsellor must alone manage the whole weight, but Royal actions must be done only by the King.
- F 8. Lastly, *Moses* chose them Elders, not Young men. *Solomon* by miracle and revelation was wise being young; but neither his Son nor his young Counsellors had that priviledge: No more is it expected in any of our Counsellors, until by age and experience they have attained it.

Sir John Elliot continued the Debate, and thus spake.

We

An. 1625.

Sir John Eliot
pursues the
Argument
against the
Duke.

WE have had (says he) a representation of great fear, but I hope that shall not darken our understandings. There are but two things considerable in this business: First, the Occasion of our Meeting; and secondly, the present State of our own Country. The first of these we all know, and it hath at large been made known unto us, and therefore needeth no dispute. The latter of these we ought to make known, and draw and shew it as in a Perspective in this House: For our wills and affections were never more clear, more ready as to his Majesty, but perhaps bauk'd and check'd in our forwardness by those the King intrusts with the affairs of the Kingdom. The last Action, was the Kings first Action; and the first Actions and Designs of Kings are of great observance in the eye of the World; for therein much dependeth the esteem, or disesteem of their future proceedings: And in this Action the King and Kingdom have suffered much dishonor; We are weakned in our strength and safety, and many of our men and ships are lost. This great Design was fixed on the person of the Lord General, who had the whole Command both by Sea and Land: And can this great General think it sufficient to put in his Deputy, and stay at home? Count Mansfield's Actions were so miserable, and the going out of those men so ill managed, as we are scarce able to say they went out. That handful of men sent to the Palatinate, and not seconded, what a loss was it to all Germany? We know well who had then the Kings ear. I could speak of the Action of Algier, but I will not look so far backward. Are not Honors now sold, and made despicable? Are not Judicial Places sold? and do not they then sell Justice again? *Vendere jure potest, emerat ille prius.* Tully in an Oration against Verres notes, That the Nations were Suitors to the Senate of Rome, that the Law *De pecuniis repetundis* might be recalled: Which seems strange, that those that were Suitors for the Law, should seek again to repeal it; but the reason was, it was perverted to their ill. So it is now with us; besides inferior and subordinate persons that must have Gratuities, they must now feed their great Patrons.

I shall to our present Case cite two Presidents. The first is 16 H. 3. The Treasure was then much exhausted, many Disorders complained on, the King wronged by some Ministers; many Subsidies were then demanded in Parliament, but they were denied: And then the Lords and Commons joined to desire the King to reassume the Lands which were improvidently granted, and to examine his great Officers, and the Causes of those Evils which the People then suffered. This was yielded unto by the King, and Hugo de Burgo was found faulty and was displaced, and then the Commons in the same Parliament gave Supply. The second President was in the Tenth year of Richard the Second: Then the Times were such, and Places so changeable, that any great Officer could hardly sit to be warmed in his Place: Then also Monies had been formerly given, and Supply was at that Parliament required; but the Commons denied Supply, and complained that their Monies were misimployed, That the Earl of Suffolk then overruled all; and to their Answer was, *They could not give*: And they petitioned the King, that a Commission might be granted, and that the Earl of Suffolk might be examined. A Commission at their request was awarded, and that Commission recites all the Evil then complained of; and that the King upon the Petition of the Lords and Commons had granted that

Exami-

2 Caroli.

“ Examination should be taken of the Crown-Lands which were sold, of
 “ the Ordering of his Household, and the Disposition of the Jewels of his
 “ Grandfather, and Father. I hear nothing said in this House of our Jewels,
 “ nor will I speak of them, but I could wish they were within these walls.
 “ We are now in the same case with those former Times; we suffer
 “ alike, or worse: And therefore unless we seek redress of these great
 “ Evils, we shall find disability in the wills of the People to grant.
 “ I wish therefore that we may hold a dutiful pursuance in preparing
 “ and presenting our Grievances. For the Three Subsidies and Three
 “ Fifteens which are proposed, I hold the proportion will not suit with
 “ what we would give; but yet I know it is all we are able to do or can
 “ give; and yet this is not to be the stint of our affections, but to come
 “ again to give more upon just occasions.

In the heat of these Agitations, the Commons notwithstanding re-
 membered the Kings Necessities, and took the matter of Supply into
 consideration, and Voted Three Subsidies and Three Fifteens to be paid
 the last day of *June*, and the last of *October* next following; and that
 the Act be brought in as soon as Grievances are presented to, and an-
 swered by the King. And the Commons the same day resumed the
 Debate again concerning the Duke, and Misgovernment and Mis-
 employment of the Revenue, &c. Ordered the Duke to have notice
 again thereof.

Three Subsi-
dies and Three
Fifteens, Vo-
ted.

Debate con-
cerning the
Duke, re-
sumed.

The next day the King sent a Message to the House of Commons,
 That they do to morrow at Nine of the clock attend his Majesty in the
 Hall at *Whitehall*, (and in the mean time all Proceedings in the House
 and Committee to cease.) Where his Majesty made this ensuing Speech.

My Lords and Gentlemen,

“ I Have called you hither to day, I mean both Houses of Parliament;
 “ but it is for several and distinct reasons: *My Lords*, you of the Upper
 “ House, to give you thanks for the Care of the State of the Kingdom
 “ now; and not only for the Care of your own Proceedings, but for in-
 “ citing your Fellow-House of the Commons to take that into their con-
 “ sideration. Therefore (my Lords) I must not only give you thanks, but
 “ I must also avow, that if this Parliament do not redound to the good of
 “ this Kingdom, (which I pray God it may) it is not your faults. And
 “ you Gentlemen of the House of Commons, I am sorry that I may not
 “ justly give the same thanks to you; but that I must tell you, that I am
 “ come here to shew you your errors, and as I may call it, Unparliamentary
 “ proceedings in this Parliament. But I do not despair, because you shall
 “ see your faults so clearly by the Lord Keeper, that you may so amend
 “ your Proceeding, that this Parliament shall end comfortably and hap-
 “ pily, though at the beginning it hath had some rubs.

The Kings
Speech, *March*
29.

Then the Lord Keeper, by the Kings command, spake next.

“ MY Lords, and you the Knights, Citizens and Burgeses of the
 “ House of Commons: You are here assembled by his Majesties
 “ commandment, to receive a Declaration of his Royal pleasure; which
 “ although it be intended only to the House of Commons, yet his Majesty
 “ hath thought meet, the matter being of great weight and importance,

The Lord
Keepers
Speech.

An. 1626.

"it should be delivered in the presence of both Houses, and both Houses make one General Council: And his Majesty is willing that the Lords should be Witnesses of the Honor and Justice of his Resolutions. And therefore the Errand which by his Majesties direction I must deliver, hath relation to the House of Commons. I must address my self therefore to you *Mr. Speaker*, and the rest of that House.

"And first his Majesty would have you to understand, That there was never any King more loving to his People, or better affectioned to the right use of Parliaments, then his Majesty hath approved himself to be, not only by his long patience since the sitting down of this Parliament, but by those mild and calm Directions which from time to time that House hath received by Message, and Letter, and from his Royal mouth; when the irregular humors of some particular persons wrought diversions and distractions there, to the disturbance of those great and weighty Affairs, which the Necessity of the Times, the honor and safety of the King and Kingdom, called upon. And therefore his Majesty doth assure you, that when these great Affairs are settled, and that his Majesty hath received satisfaction of his reasonable Demands, he will as a just King hear and answer your just Grievances, which in a dutiful way shall be presented unto him; and this his Majesty doth avow.

"Next his Majesty would have you know of a surety, That as never any King was more loving to his People, nor better affectioned to the right use of Parliaments; so never King more jealous of his Honor, nor more sensible of the neglect and contempt of his Royal Rights, which his Majesty will by no means suffer to be violated by any pretended colour of Parliamentary Liberty; wherein his Majesty doth not forget that the Parliament is his Council, and therefore ought to have the liberty of a Council; but his Majesty understands the difference betwixt Council and Controlling, and between Liberty and the Abuse of Liberty.

"This being set down in general, his Majesty hath commanded me to relate some particular passages and proceedings whereat he finds himself agrieved.

"First, Whereas a seditious speech was uttered amongst you by *Mr. Cook*, the House did not, as they ought to do, censure and correct him. And when his Majesty understanding it, did by a Message by *Mr. Chancellor of the Exchequer* delivered to the House, require Justice of you, his Majesty hath since found nothing but protracting and delays. This his Majesty holds not agreeable to the wisdom and the duty which he expected from the House of Commons.

"Secondly, Whereas Doctor *Turner* in a strange Unparliamentary way, without any ground of knowledge in himself, or offering any particular proof to the House, did take upon him to advise the House to enquire upon sundry Articles against the Duke of *Buckingham*, as he pretended, but in truth to wound the Honor and Government of his Majesty, and of his renowned Father; And his Majesty first by a Message, and after by his own Royal mouth did declare, That that Course of Enquiry was an Example which by no way he could suffer, though it were against his meanest Servant, much less against one so neer him; and that his Majesty did much wonder at the foolish insolencie of any man that can think that his Majesty should be drawn

out

“out of any end to offer such a Sacrifice so unworthy of a King,
 “or a good Master : Yet for all this, you have been so far from
 “correcting the Insolencie of *Turner*, that ever since that time your
 “Committees have walked in the steps of *Turner*, and proceeded
 “in an Unparliamentary Inquisition, running upon generals, and re-
 “peating that whereof you have made Fame the groundwork. Here
 “his Majesty hath cause to be exceeding sensible, that upon every
 A “particular he finds the Honor of his Father stained and blemished, and
 “his own no less; and withal you have manifested a great forwardness
 “rather to pluck out of his bosom those who are neer about him, and
 “whom his Majesty hath cause to affect, then to trust his Majesty with
 “the future reformation of these things which you seem to aim at: And
 “yet you cannot deny but his Majesty hath wrought a greater Reforma-
 “tion in matters of Religion, Execution of the Laws, and concerning
 “things of great importance, then the shortness of his Reign in which
 B “he hath been hindred partly through sickness, and the distraction
 “of things which we could have wished had been otherwise) could
 “produce.

“Concerning the Duke of *Buckingham*, his Majesty hath command-
 “ed me to tell you, That himself doth better know then any man living
 “the sincerity of the Dukes proceedings; with what cautions of weight
 “and discretion he hath been guided in his publick Employments from his
 “Majesty and his blessed Father; what Enemies he hath procured at
 C “home and abroad; what peril of his person and hazard of his estate
 “he ran into for the service of his Majesty, and his ever blessed Father,
 “and how forward he hath been in the service of this House many times
 “since his return from *Spain*. And therefore his Majesty cannot believe
 “that the aim is at the Duke of *Buckingham*, but findeth that these Pro-
 “ceedings do directly wound the Honor and Judgment of himself, and
 “of his Father. It is therefore his Majesties expresse and final command-
 “ment, That you yield obedience unto those Directions which you have
 D “formerly received, and cease this Unparliamentary Inquisition, and com-
 “mit unto his Majesties care, and wisdom, and justice, the future refor-
 “mation of these things which you suppose to be otherwise then they
 “should be: And his Majesty is resolved, that before the end of this
 “Session, he will set such a Course both for the amending of any
 “thing that may be found amiss, and for the settling of his own E-
 “state, as he doubteth not but will give you ample satisfaction and
 “comfort.

“Next to this his Majesty taketh notice, That you have suffered
 E “the greatest Council of State to be censured and traduced in the
 “House; by men whose Years and Education cannot attain to that
 “depth: That Foreign busineses have been entertained in the House,
 “to the hinderance and disadvantage of his Majesties Negotiations:
 “That the same Year, yea the first Day of his Majesties Inauguration,
 “you suffered his Council, Government, and Servants, to be parallel’d
 “with the Times of most Exception: That your Committees have
 F “presumed to examine the Letters of Secretaries of State, nay his
 “own, and sent a general Warrant to his Signet-Office, and com-
 “manded his Officers not only to produce and shew the Records,
 “but their Books and private Notes, which they made for his Maje-
 “sties service. This his Majesty holds as unsufferable, as it was in for-
 “mer times unusual;

An. 1626.

“ Next I am to speak concerning your Supply of Three Subsidies
 “ and Three Fifteens, which you have agreed to tender to his Majesty.
 “ You have been made acquainted with the greatness of his affairs both
 “ at home and abroad, with the strong Preparation of the Enemy, with
 “ the Importance of upholding his Allies, strengthening and securing
 “ both *England* and *Ireland*, besides the encountring and annoying the
 “ Enemy by a powerful Fleet at Sea; and the Charge of all: This having
 “ been calculated unto you, you have professed unto his Majesty by the
 “ mouth of your Speaker, your carefulness to support the Cause wherein
 “ his Majesty and his Allies are justly engaged; your unanimous consent
 “ and real intention to supply his Majesty in such a measure, as should
 “ make him safe at home, and feared abroad; And that in the dispatch
 “ hereof you would use such diligence, as his Majesties pressing and
 “ present occasions did require.

“ And now his Majesty having erected a proceeding suitable to this
 “ engagement, he doth observe that in two days onely of twelve, this
 “ business was thought of, and not begun till his Majesty by a Message put
 “ you in minde of it, whilst your Inquisition against his Majesties directi-
 “ on proceeded day by day.

“ And for the measure of this supply, his Majesty findeth it so far
 “ from making himself safe at home and feared abroad, as contrariwise it
 “ exposeth him both to danger and disesteem; for his Majesty cannot ex-
 “ pect without better help, but that his Allies must presently disband, and
 “ leave him alone to bear the fury of a provoked and powerful Enemy:
 “ So as both he and you shall be unsafe at home, and ashamed and despised
 “ abroad. And for the manner of the Supply, it is in it self very disho-
 “ nourable, and full of distrust; For although you have avoided the lite-
 “ ral word of a Condition, whereof his Majesty himself did warn you
 “ when he told you of your Parenthesis, yet you have put to it the ef-
 “ fect of a Condition, since the Bill is not to come into your house until
 “ your Grievances be both preferred and answered. No such thing was in
 “ that expression and engagement delivered by your Speaker, from which
 “ his Majesty holdeth that you have receded both in matter and manner
 “ to his great disadvantage and dishonour. And therefore his Majesty
 “ commandeth that you go together, and by *Saturday* next return your
 “ final Answer, what further Supply you will add to this you have alrea-
 “ dy agreed on, and that to be without condition, either directly or in-
 “ directly for the supply of these great and important Affairs of his Ma-
 “ jesty, which for the reasons formerly made known unto you, can en-
 “ dure no longer delay; and if you shall not by that time resolve on a
 “ more ample Supply, his Majesty cannot expect a Supply this way, nor
 “ promise you to sit longer together; otherwise, if you do it, his Ma-
 “ jesty is well content, that you shall sit so long as the season of the year
 “ will permit; and doth assure you, that the present addition to your
 “ supply to set forward the work, shall be no hinderance to your speedy
 “ access again.

“ His Majesty hath commanded me to add this, That therein he
 “ doth expect your chearfull obedience, which will put a happy issue to
 “ this Meeting, and will enable his Majesty, not onely to a Defensive
 “ War, but to imploy his Subjects in Foreign Actions, whereby will be
 “ added to them both experience, safety, and honor.

“ Last of all, his Majesty hath commanded me in explanation of
 “ the gracious goodness of his Royal intention, to say unto you, that he
 “ doth

2 Caroli.

“ doth well know, that there are amongst you many wise and well tempered men, well affected to the Publick and to his Majesties service, and that those that are willingly faulty, are not many; and for the rest his Majesty doubteth nor, but after his gracious Admonition, they will in due time observe and follow the better sort; which, if they shall do, his Majesty is most ready to forget whatsoever is past.

A Then his Majesty spake again,

“ I must withall put you in minde a little of times past; you may remember, that in the time of my blessed Father, you did with your counsel and perswasion perswade both my Father and me to break off the Treaties; I confesse I was your Instrument, for two reasons; one was, the fitness of the time; the other, because I was seconded by so great and worthy a body, as the whole body of Parliament; then there was no body in so great favor with you as this man whom you seem now to touch, but indeed, my Fathers Government and mine. Now that you have all things according to your wishes, and that I am so far engaged, that you think there is no retreat; now you begin to set the Dice, and make your own Game; but I pray you be not deceived, it is not a Parliamentary way, nor it is not a way to deal with a King.

The King proceeds.

“ Mr Cook told you, *It was better to be eaten up by a Foreign Enemy, then to be destroyed at home*; Indeed, I think 'tis more honor for a King to be invaded, and almost destroyed by a Foreign Enemy, then to be despised by his own Subjects.

“ Remember that Parliaments are altogether in my power for their Calling, Sitting, and Dissolution; therefore, as I finde the fruits of them good or evil, they are to continue or not to be; And remember, that if in this time, instead of mending your Errors, by delay you persist in your Errors, you make them greater and irreconcilable: Whereas, on the other side, if you do go on cheerfully to mend them, and look to the distressed State of *Christendom*, and the Affairs of the Kingdom as it lieth now by this great Engagement; you will do your selves honor, you shall encourage me to go on with Parliaments; and I hope all *Christendom* shall feel the good of it.

The Commons upon the Debate of what fell from his Majesty and the Lord Keeper, turned the House into a Grand Committee, ordered the doors to be locked, and no Member to go forth; and that all Proceedings in all other Committees shall cease till the House come to a Resolution in this business.

His Majesty being informed that some things in his own Speeches and the Lord Keepers Declaration were subject to misunderstanding; commanded the Duke to explain them at a conference of both Houses in the Painted-Chamber, held for that purpose.

“ **W**Hereas it is objected by some who wish good Correspondency betwixt the King and People, that to prefix a day to give, or to break, was an unusual thing, and might expresse an inclination in the King to break; to remove this, as his Majesty was free from such thoughts he hath descended to make this Explanation.

The Duke at a Conference explains the Kings late Speech and the Lord Keepers Declaration.

That

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“ That as his Majesty would not have you condition with him directly or indirectly, so he will not lye to a day, for giving further Supply ; but it was the pressing occasion of *Christendom* that made him to pitch upon a day.

“ His Majesty hath here a Servant of the King of *Denmark*, and another from the Duke of *Weymer*, and yesterday received a Letter from his Sister the Queen of *Bohemia* ; who signified, that the King of *Denmark* hath sent an Ambassador with Power to perfect the Contract which was made at the *Hague* ; so it was not the King, but time and the things themselves that pressed a time.

“ Therefore his Majesty is pleased to give longer time, hoping you will not give him cause to put you in minde of it again, so that you have a greater Latitude, if the business require to think further of it.

“ I am commanded further to tell you, that if his Majesty should accept of a less sum then will suffice, it will deceive your expectations, disappoint his Allies, and consume the Treasure of the Kingdom : whereas if you give largely now, the business being at the Crisis, it comes so seasonably, it may give a Turn to the Affairs of *Christendom*.

“ But while we delay and suffer the time to pass, others abroad will take advantage of it, as the King of *Spain* hath done by concluding a Peace, as 'tis though, in *Italy* for the *Vatoline*, whereby our work is become the greater, because there can be no diversion that way.

“ As it was a good Rule to fear all things and nothing, and to be Liberal was sometimes to be Thrifty, so in this particular, if you give largely, you shall carry the War to the Enemies door, and keep that Peace at home that hath been : Whereas, on the contrary, if you draw the War home, it brings with it nothing but disturbance and fear, all Courses of Justice stopt, and each mans Revenues lessened, and nothing that can be profitable.

“ Another Explanation I am commanded to make touching the grievances, wherein his Majesty means no way to interrupt your Proceedings, but hopes you will proceed in the antient wayes of your Predecessors ; and not so much seek faults, as the means to redress them.

“ I am further commanded to tell you, That his Majesty intends to elect a Committee of both Houses, whom he will trust to take the view of his Estate, the Defects whereof are not so fit for the Eyes of a Multitude ; and this Committee will be for your ease, and may satisfie you without casting any ill odour on his Government, or laying open any weakness that may bring shame upon us abroad. That which is proposed is so little, that when the payment comes, it will bring him to a worse estate then now he is in ; therefore wishes you to enlarge it, but leaves the augmentation to your selves ; but is sorry, and touch'd in Conscience, that the burthen should lie on the poorest, who want too much already ; yet he will not prescribe, but wish, that you who were the Abettors and Counsellors of this War, would take a greater part of the Burthen to your selves ; and any man that can finde out that way, shall shew himself best affected, and do the best service to the King and State.

The Duke then made his Address to them in his own behalf.

My

My Lords and Gentlemen,

The Duke renders an account of his Negotiation in the Low-Countrys.

“ You were all witnesses yesterday how good and gracious a Master I serve; and I shall be likewise glad that you be witnesses how thankful a heart I have.

A “ And I protest I have a heart as full of zeal to serve my Master, as any man; and it hath been my study to keep a good correspondency betwixt the King and his people: And what ever thought hath been entertained of me, I shall not alien my heart from that intention, but shall adde spurs to my endeavors and actions, to vindicate my self from ill opinion.

B “ And however I lye under the burthen of the same, it lies in your hands to make me happy, or not; and for my part, I wish my heart and actions were known to you all; then I assure my self, you would resume me to your good opinions.

C “ When I had with some hazard waited on my Master into *Spain*, it is well known what Testimony I gave of my Religion; and no man that comes to a true and near view of my action, can justly charge me. Let me be excused, if I give accompt of this particular when I should speak of the general; for this goes near my heart, and to dissemble with my Conscience, no ends of Fortunes in the World can make me do it: For if I had any ill inclination, I had such offers made to me in *Spain*, as might have tempted me.

“ If I would have been converted my self, I might have had the *Infanta* to put in my Masters Bed; and if my discontent should have risen here, I might have had an Army to have come with me: But I thought the offer foolish, ridiculous, and scornful, in that point of Religion.

D “ I will now take the boldness to speak a little in the general business; and I call it boldness to speak after one who did so well the other day: But I had rather suffer in my own particular, then not refresh your Memories with that which is materially needful.

“ I shall not need to reflect so far back as to the beginning of those Counsels which engaged my Master into the War, they are well known; onely I will so far touch it, as to say, That the last years preparations were not Voluntary, or out of Wantonness, but out of Necessity.

E “ My Master had good intelligence that the King of *Spains* eye was maliciously bent this way, which had been pursued accordingly, if the employment of the Low-Countrymen to the Bay of *Todos los Santos* had not diverted it.

F “ Now for the Counsel which was used for sending out the Fleets, I will refer you to the Relation of the Lord *Conway*, who as well in this as other Resolutions, can tell you, That nothing was carried with single Councils: And for my self, I know that in all those actions no man can stand up against me, to say that I ever did go with single Councils, or made breach of any; but have been an obedient Servant and Minister unto their Resolutions: The proof whereof will appear in a Journal thereof which my Lord *Conway* keeps.

“ I confess all Councils were not ever as your selves would, nor have wished they should; if you had known them as my Master did,
“ in

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“ in whom the former Affairs of State had bred such affections, that the
 “ business being altered, they were not to be trusted with the Change.

“ I will now give you an accompt of all my Negotiations, since my
 “ being at *Oxford*, both at home and abroad; and because there it was
 “ charged, that those things were carried with single Counsels, I was
 “ more careful to advise the King to have his Council with him in the
 “ Country, being to enter into War with an Active King.

“ And for my part I did diligently wait on the Council, left all Re- A
 “ creations, all personal occasions, studying to serve my Master, and to
 “ gain the good opinion of both Houses. The Council of *Woodstock* ge-
 “ nerally advised the going out of the Fleet. And though it were ob-
 “ jected that the Season were not fit, yet the action shewed the contrary,
 “ for they all arrived in safety. And for what was also objected, that the
 “ Provision was not good, experience tells you the contrary; for the pre-
 “ parations were all good in quality and proportion.

“ And if the Success were not such as any honest man could wish, I B
 “ hope I shall not be blamed, being not there in person, though I made
 “ the greatest suit for it to my Master, that ever I did for any thing: But
 “ his Majesty thought my Service more useful in the Low-Countries, to
 “ comfort his Sister, and to treat with the Kings of *Denmark, Sweden,*
 “ and the States.

“ And though the Success (as I said) of the Fleet were not answer-
 “ able to the desires of honest men; yet it had these good effects, first, C
 “ It put our Enemy to great charge in fortifying his Coasts; secondly,
 “ They took so many Ships as caused many of his Merchants to break,
 “ whereby the Army in *Flanders* suffered much; And lastly, They could
 “ carry no Treasure out to pay their Forces in *Flanders*.

“ And for Omissions of what more might have been done, I leave
 “ that to its proper place and time, and let every man bear his own
 “ burden.

“ From *Oxford* the Council went to *Southampton*, where the States
 “ Ambassadors did wait often on the King and Council, and a League D
 “ Offensive and Defensive betwixt us and them was thought fit to be
 “ resolved on; whereof some Reasons I will express, but not all. First,
 “ They are of our own Religion; secondly, They are our near Neigh-
 “ bors, for situation so useful, as when they are in distress, it is policy
 “ in us to give them relief; therefore the King thought fit to do it in such
 “ manner, as might lay an Obligation on them; which if it had not
 “ been done, they had been pressed with a long War, and such a Faction
 “ among themselves, as if the King had not joyned, and in a manner ap- E
 “ peared their Protector, they had broke among themselves. And in
 “ this the Kings care was not onely of them, but of all Christendom, and
 “ of his own particular.

“ For as before he onely assisted them, his Majesties care now used
 “ Arguments to draw them to Contribution; so that they bear the
 “ fourth part of the charge of the War at Sea, according to such Condi-
 “ tions as by the Lord Chamberlain you have heard.

“ This League being perfected betwixt the States and us, his Ma- F
 “ jesty by Advice of his Council thought fit to send me to get such a
 “ League with the other Princes as I could: The Rendezvous was in the
 “ Low-Countries, being in a manner the Centre for repair for *England,*
 “ *France, and Germany*; I had Latitude of Commission to make the League
 “ with most advantage I could.

“ Now

" Now I had discovered from Monsieur B. the French Ambassador here, that a League Offensive and Defensive would be refused; and I found the King of *Denmark* shie, and loth to enter into such a League against the King of *Spain*; and so partly out of Necessity, and partly out of Reason of State, I was forced to conclude the League in general Terms, for the restoring of the Liberty of *Germany*, without naming the King of *Spain*, or the Emperor, that other Princes might come in; and this to continue till every one had satisfaction, and nothing to be treated of, debated, or concluded on, but by consent of all parties. It did appear, that the Charge was so great, that the Kingdom could not endure it; and therefore I endeavored in the Low-Countreys to lessen it, and so the Sea charge was helped, and the Land assistance given unto them, is to cease Six moneths hence, which the Lord *Conway* said was to end in *September* next.

" Also by this Treaty it is conditioned with the King of *Denmark*, That when my Master shall by Diversion equal to this Contribution with his own Subjects, enter into an Action, then this Charge to cease: Or if the King of *France* may be drawn in, of which there is great hope (though he hath now made peace in *Italy*) for that the policy of *France* may not give way unto the greatness of the House of *Austria*, and ambition of *Spain*, whose Dominions do grasp him in on every side. And if the business be well carried, his Engagement to the King of *Denmark* may draw him in; so there is great possibility of easing our Charge.

" But all is in the discreet taking of the time; for if not, we may think the King of *Denmark* will take hold of those fair Conditions which are each day offered him; and then the Enemies Army will fall upon the River of *Elve*, and (the Lord *Conway* added) upon *East-Friesland*, from whence they would make such progress, as (in my poor experience) would ruine the Low-Countreys.

" And thus I think I have satisfied all of you, or at least given an account of my Negotiation in the Low-Countreys, with the King of *Denmark*, *Sweden*, and the rest.

" I should be glad before I end, to say somewhat of my self, but I shall request your favorable construction, for I have been too long already; but I fear I shall offend, and therefore I will restrain my self to generals.

" If in any of these employments, my Errors may be shewed me, I shall take him for my best friend that will manifest them in particular; I have bent all my thoughts on nothing but my Masters Honor, the Service of the State, and safety of them both. I never had any end of mine own, and that may be perceived and proved by the expence of mine own estate. I am ashamed to speak it, and it would become another mans tongue better then mine own.

" My Journey into *Spain*, was all at mine own charge; my Journey into *France*, was at my Masters charge; my Journey into the Low-Countreys, was all at mine own charge.

" I am accused by common Fame, to be the cause of the loss of the Narrow Seas, and the damage there sustained. That I can say, is this, Since the War begun with *Spain*, I have always had Twelve Ships on the Coasts, and allowance but for Four, the rest my own care supplied. And for the Office of Admiral, when I came first to it, I found the Navy weak, not neglected by my Noble Predecessor (for I cannot speak

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" of him, but with honor; and I shall desire to go to my Grave with the
 " honor he carried hence) but by the not paying of moneys in time,
 " there were such defects his care could not prevent; that if the War
 " had then broken out, there would have been found few Ships, and
 " those unserviceable. I was first perswaded to take this Office by per-
 " swasion of Sir Robert Munfeld, and though I objected I was yong, and
 " unexperienced, yet he said that by my favor with my Master, I might
 " do more good in procuring payment for that charge. And because I
 " was yong and unexperienced, I took advice, as I do in all things, and
 " am not ashamed of it. I desired my Master to grant a Commission as it
 " were over me. I have found a great Debt, the Ships defective, and
 " few in number, the yearly charge of Fifty four thousand pounds, which
 " was brought to Thirty thousand pounds *per annum*; we built every year
 " two Ships, and when so many were built as were requisite, we brought it
 " to Two and twenty thousand pounds *per annum*, which comes not to my
 " hands, but goes into its proper streams, and issues from the Officers to
 " that purpose deputed.

" Now if any can shew me a Project, how to maintain War against
 " Spain, Flanders, and the Turkish Pirates, with less charge, he shall do
 " a great work and good service: I have had sometimes Twenty, some-
 " times Thirty Ships, though sometime disastred by Tempest, which dis-
 " persed the *Hollanders* Ships, and caused them to cut their Masts, and for-
 " sake their Anchors.

" There are now Twelve Ships victualled for two Moneths; and
 " though many Reports have been, that they do not do their duty, yet
 " I have advertised them thereof from time to time, and finde no such
 " fault in them.

" There are Thirty Ships more at *Plimouth*, victualled for six Moneths,
 " and Ten more ready, so soon as they may be victualled: I have been
 " so frugal of making use of the old remain, that there is no need of Am-
 " munition, or other necessaries.

" Besides all these, there are Twenty Ships to come from the Low-
 " Countreys; so you have Twelve, Twenty, Thirty, and Ten more,
 " which I think you have not heard of.

" And therefore if any have blamed me, I do not blame him, but
 " think he hath done well; but when you know the truth, and when all
 " this shall appear, I hope I shall stand right in your opinions.

" *Gentlemen*, It is no time to pick quarrels one with another; we
 " have enemies enough already, and therefore more necessary to be well
 " united at home.

" Follow not examples, at least not ill examples of *Gondomar* and
 " *Ynojosa*, who would have had my head, when you thought me worthy
 " of a salute. Now though I confesse there may be some Errors, I will
 " not justifie my self; yet they are not such gross defects, as the World
 " would make them appear. I desire they may be admitted *Cum Nota*.

" They are no Errors of Wilfulness, nor of Corruption, nor oppres-
 " sion of the People, nor Injustice, but the contrary; and then may I
 " say, for what good done by me, do I suffer?

" And now I might Answer more particulars, but I have been long,
 " and so will forbear; and will conclude, if your Supply answer not your
 " Promises and Engagements to my Master; you will make this place
 " which hath been in Peace when others were in War, the Seat of War
 " when others are in Peace.

" Now

A " Now *Gentlemen*, You that were Antient Parliament-men when
 " this Council was first given, strive to make good your own Engage-
 " ment, for the Honor of your King, and your own safety. Let Religion,
 " in which I would be glad to be more watchful and industrious then any,
 " unite your hearts both at home and abroad; and you that are yong men,
 " may in these active times gain honor and reputation, which is almost
 " sunk, and gain the Antient Glory of your Predecessors: And remem-
 " ber it is for restoring to her Inheritance, the most virtuous Lady I think
 " in the World.

" I have nothing more, but to intreat your charitable opinion of me
 " and my actions.

For the further vindicating of the Duke, the Lord *Conway* stood up
 and said,

B " **T** Hat whereas divers jealousies have been raised in the House, that
 " the Moneys have been expended unusefully and without Coun-
 " cil; himself who was the onely Secretary, and had the hand in
 " guiding the business, could best give an accompt of it.

The Lord
Conway vindicates the
 Duke.

C " When King *JAMES* of glorious Memory, at the Request of both
 " Houses, had broken both the Treaties, he considered how to maintain
 " the War; for he saw that the King of *Spain* was awaked, and that the
 " *Palatinate* must be got by the Sword, and that *Spain* would oppose it
 " with all the power they could; and computing the charges, found the
 " Subsidies granted too short; for that it could not be done without an
 " Army of Five and twenty thousand Foot, and Five thousand Horse,
 " which would amount to Six hundred thousand pounds for the Armies
 " yearly, and Three hundred thousand pounds for the Navy; but finding
 " all his means short, and as the Proverb is, *Not knowing of what Wood to*
 " *make his Arrows to hit the Mark withal*, Count *Mansfield* stirred up by his
 D " own judgment came over and made overture, That for Twenty thou-
 " sand pounds a moneth he would raise an Army of Thirty thousand men,
 " and draw in the French King, *Denmark*, *Sweden*, *Venice*, *Savoy*, the
 " Cantons of the *Switzers* perhaps, and some other *German* Princes, and
 " raise a War in *Alsatia*, of great consequence to make a Diverfion.

E " Now about this time the Council of *Austria* resolved to call a Dyer,
 " and exclude the Count *Palatine*, and put in a Popish Elector; and for that
 " end offered a general Peace in *Germany*, and so left not a crevice to look
 " into for assistance; but if any of them should aid the Count *Palatine*,
 " he should be out of the Peace.

F " The King accepts *Mansfield's* offer, conditionally that he draw in
 " the French King: So *Mansfield* went over into *France*, and the King
 " by Advice of his Council sent Ambassadors into *France*, *Denmark*, *Ve-*
 " *nice*, *Savoy*, and Cantons of the *Switzers*, from whom he received cold
 " Answers; for King *JAMES* had stood so long on terms of Peace, as they
 " doubted he would not be brought to enter into War. But Count *Mans-*
 " *field* procured the King of *France* to Contract to receive our Troops,
 " with promise to enter into the War, upon condition it might be regu-
 " lated by the Council of the French King and *England*. This favor to
 " Count *Mansfield*, That *France* agreed that his Armies should joyn with
 " the Kings Troops, wrought the Princes of *Germany* to believe, that the
 " King would enter into a War. Thereupon the Imperialists left their

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“ Dyet, and sent *Tilly* to *Friezland*, and to take up the River of *Embden*; which if he had obtained, they would have trampled the Low-Countreys under foot, and would have become Governors of the Sea.

“ Upon this the King of *Denmark* sent to our King, and offered to raise an Army of Thirty thousand men, if our King would allow Thirty thousand pounds a Moneth, and said, He would admit no time of re-
 “ spite; for if *Tilly* had not been presently met and headed, all had
 “ been lost. Whereupon our King called a Counsel, and appointed
 “ Commissioners; and from that time all the Warrants for the issuing
 “ of the Moneys, were all under the Kings own hand to the Council of
 “ War, and from them to the Treasurers; and the Warrants were from
 “ the Lords of the Council for the Levying of Men, and for Coats and
 “ Conduſt-Money. A Liſt whereof is hereunder ſpecified.

Thereupon the Duke asked the Question, Whether any thing was done by ſingle Council.

To which the Lord *Conway* answered, “ No. For the Treaty of
 “ *Denmark*, Project of Count *Mansfield*, Treaties with *France*, and the
 “ buſineſs of the Navy, were done all by the King himſelf; and who
 “ can ſay it was done by ſingle Council, when King *James* commanded
 “ it, whoſe Council every man ought to reverence, eſpecially in matters
 “ of War, whereunto that King was not haſty?

The Total of Moneys paid by Warrants of the Treasurers of the Subſidy Money.

A Liſt of
Moneys diſ-
burſed for the
War.

IN *Toto* for the Four Regiments of the Low-
 Countries, from the Thirtieth of *June*, 1624. } 99878 l. 00 s. 06 d.
 till the One and twentieth of *July*, 1624. }
 For the Navy, from the Thirteenth of *July*, 1624. }
 till the Three and twentieth of *December*. } 37530 l. 08 s. 04 d.
 For the Office of the Ordinance and Forts in
England, from the Twentieth of *July*, 1624. } 47126 l. 05 s. 05 d.
 till the Fifteenth of *June*, 1625. }
 To defray Charges for Forts in *Ireland*, about } 32295 l. 18 s. 04 d.
October, 1624. }
 For the Service under Count *Mansfield*; for Pro-
 viſions of Arms; transporting of Soldiers, }
 from the Fourth of *October*, 1624. till the Tenth } 61666 l. 13 s. 04 d.
 of *December*, 1624. }

Sum Total 278497 l. 04 s. 11 d.

“ **M**emorandum, That over and above the ſeveral Services before
 “ ſpecified, and the ſeveral Sums iſſued, and to be iſſued by our
 “ Warrants for the ſame, We did long ſince reſolve and order according-
 “ ly, that out of the Moneys of the Second and third Subſidies, theſe fur-
 “ ther Services ſhould be performed, and Moneys iſſued accordingly,
 “ viz.

“ In full of the Supply of all the Forts and Caſtles before-mention-
 “ ed (Surveyed per Sir *Richard Morifon*, Sir *John Ogle*, Sir *John Kay*, in
September,

" September, 1613.) with all sorts of Munitions according to several
" Proportions and Warrants for the same ————— 4973 l.

" In full for the Reparations of all the said Forts and Castles accord-
" ing to the said Survey ————— 10650 l. 06 s. 08 d.

" But the said Subsidies being not like to afford means to perform
" these so necessary Works, We humbly commend the supply of what
" shall be wanting for the same unto your Majesties Princely considera-
" tion.

A

Whilest the Commons were inquiring into Publick Grievances, the
Lords represented to the King a Grievance to their own Order in this fol-
lowing Petition.

To the Kings most Excellent Majesty.

B

The Petition of your ever Loyal Subjects, the
Lords Spiritual and Temporal now in Parlia-
ment Assembled.

In all humility sheweth,

C

That whereas the Piers and Nobility of this Your Kingdom of
England, have heretofore in Civility yielded as to Strangers Pre-
cedency, according to their several degrees, unto such Nobles of
Scotland and Ireland, as being in Titles above them, have resorted
hither. Now divers of the natural born Subjects of those Kingdoms
resident here with their Families, and having their cheif Estates among
us, do by reason of some late created Dignities in those Kingdoms of
Scotland and Ireland, claim Precedency of the Piers of this Realm,
which tends both to the disservice of Your Majesty, and these Realms,
and to the great disparagement of the English Nobility, as by these
Reasons may appear.

The Lords
Petition
touching Pre-
cedency, cha-
lenged by
Scots and Irish
Nobles.

D

I. It is a nobelty without president, that men should inherit Honors
where they possess nothing else.

II. It is injurious to those Countreys from whence their Titles
are derived, that they should have a Vote in Parliament, where they
have not a foot of Land.

E

III. It is a grievance to the Country where they inhabite, that
men possessing very large Fortunes and Estates, should by reason of
foreign Titles, be exempted from those Services of Trust and Charge,
which through their default become greater pressures upon others who
bear the burthen.

IV. It is a shame to Nobility, that Persons dignified with the
Titles of Barons, Viscounts, &c. should be obnoxious and exposed to ar-
rest, they being in the view of the Law no more then mixt Plebeians.

F

We therefore humbly beseech your Majesty, That you will be plea-
sed according to the examples of the best Princes and times, upon con-
sideration of these inconveniencies represented to Your Majesty, by the
nearest Body of Honor to Your Majesty, that some course may be taken,
and an order timely settled therein by Your Princely Wisdom, so as the
inconvenience to Your Majesty may be prevented, and the prejudice and
disparagement of the Piers and Nobility of this Kingdom be redressed.

To

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To this Petition the King gave Answer, That he would take order therein.

The Earl of *Bristol* who continued under Restraint, and was debarred Access to his Majesty ever since his return out of *Spain*, had been examined touching his Negotiation there, by a Committee of Lords appointed by the King. Certain Propositions were tendred unto him in order to his Release, and composing of that Affair, concerning which he had written to the Lord *Conway*, and about this time received the ensuing Letter from him.

The Lord Conway to the Earl of Bristol.

My Lord,

I Received a Letter from your Lordship, dated the Fourth of this Moneth, written in Answer to a former Letter which I directed to your Lordship by his Majesties Commandment. This last Letter according to my duty I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, That he findes himself nothing satisfied therewith. The Question propounded to your Lordship from his Majesty, was plain and clear, Whether you did rather chuse to sit still without being questioned for any Errors past in your Negotiation in *Spain*, and enjoy the benefit of the late gracious Pardon granted in Parliament, whereof you may have the benefit: Or whether for the clearing of your Innocency (whereof your self and your friends and followers are so confident) you will be content to waive the advantage of that Pardon, and put your self into a legal way of Examination for the Tryal thereof? His Majesties purpose thereby, is not to prevent you of any favors the Law hath given you; but if your Assurance be such as your words and Letters import, he conceives it stands not with that Publick and resolute Profession of your Integrity to decline your Tryal. His Majesty leaves the choice to your self, and requires from you a direct Answer without circumlocution or bargaining with him for future Favors beforehand; but if you have a desire to make use of that Pardon which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects you should at the least forbear to magnifie your Service, and out of an opinion of your Innocency, cast an aspersion upon his Majesties Justice, in not affording you that present fulness of Liberty and Favor which cannot be drawn from him, but in his good time and according to his good pleasure.

Thus much I have in Commandment to write to your Lordship, and to require your Answer clearly and plainly by this Messenger sent on purpose for it, and so I remain

Whitehal, 24 March.
1625.

Your Lordships humble Servant

Edw. Conway.

My Lord,

I Have received your Letter of the Four and twentieth of March, the Twentieth eighth; and I am infinitely grieved to understand that my former Answer to yours of the Fourth of March, hath not satisfied His Majesty, which I will

The Lord
Conways Letter
to the Earl
of Bristol.

The Earl of
Bristols Letter
to the Lord
Conway.

will endeavor to do by this, to the best of my understanding; and to that end shall answer to the particular points of your present Letter, with the greatest clearness I am able.

First, Whereas you say in your Letter, that the Question propounded to me was plain and clear, viz.

A Whether I would chuse to sit still without being questioned for any Errors past in my Negotiation in Spain, and enjoy the benefit of the late gracious Pardon, whereof I may take the benefit? Or whether being contented to waive the advantage of that Pardon, I should put myself into a legal way of Examination for the Tryal thereof? &c.

First, Your Lordship may be pleased to remember, that your last Proposition was, Whether I desired to rest in the Security I was in, which you now express, Whether I will chuse to sit still?

B Secondly, Your Proposition was, Whether I would acknowledge the gracious Favor of his Majesty that now is, who had been pleased not to question my actions; when it is best known to your Lordship, That by a Commission of the Lords, I was questioned upon Twenty Articles, divers involving Felony and Treason. Although it be true, That when I had so answered (as I am confident their Lordships would have cleared me) I was so unhappy as their Lordships never met more about that business.

C But now your Proposition is, Whether I will now chuse to sit still without being further questioned for Errors past, whereas before it was required I should acknowledge that I had not been questioned at all, which is a different thing? But conferring both your Letters together, and gathering the sense and meaning by making the latter an Explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct Answer.

D That understanding by the Security I am in, and sitting still, and not being further questioned, I am restored to the bare Freedom and Liberty of a Subject and Peer (For a man being called in question by his Majesty, if after his Majesty shall be pleased out of his goodness, that he rest quiet and secure, and that he shall not be further questioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majesties Grace he is pleased to declare, he shall not be further questioned, but may live in further Security.) So that understanding your Letter in this sort (for no direct Answer can be made, until the sense of the Question be truly stated) I do most humbly acknowledge and accept his Majesties Grace and Favor, and shall not waive any thing that shall come to me by the Pardon of the 21 Jac. Regis, nor by the Pardon of his Majesties Coronation; and am so far from bargaining, as you are pleased to express it for future favor (though I hope my humble and submissive courses of Petitioning his Majesty, neither hath nor shall deserve so hard an expression) that I shall not presume so much as to press for any favor, until my dutiful and loyal Behavior may move his Majesties Royal and Gracious Heart thereunto, but receive with all humbleness this my Freedom and Liberty; the which I shall onely make use of in such sort, as I shall judge may be most agreeable to his Majesties pleasure.

F As for the second part of your Letter, wherein you say, That if I desire to make use of that Pardon, his Majesty expects that I should at least forbear to magnifie my Services; or out of an opinion of my own Innocency cast an aspersion upon his Majesties Justice. To this point I answer, That as I hope I shall never erre in that sort of immodesty of valuing my Services, which I acknowledge

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acknowledge to have been accompanied with infinite weaknesses and disabilities; so I trust it shall not displease, that I make use to mine own comfort, and the honor of my Posterity, of those many Written Testimonies which my late most Blessed Master hath left me, of his gracious Acceptance of my Services for the space of Twenty years. So likewise I hope the modest avowing of mine Innocency will not be thought to cast any aspersion upon his Majesties Honor or Justice. I most freely confess unto your Lordship, I am much afflicted to see Inferences of this nature made, both in your Lordships last Letter, and in this. For if it shall be inferred as a thing reflecting upon the Kings Honor, that a man questioned, shall not endeavor to defend his own Innocency, before he be convicted, it will be impossible for any man to be safe; for the Honor of his Majesty is too Sacred a thing for any Subject, how innocent soever, to contest against. So likewise, God forbid that it should be brought into Consequences, (as in your former Letter) as a Tax upon the Government and Justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of Injustice in their Majesties in all my sufferings, so I well know, That the long continuance of my troubles may well be attributed unto other Causes; as to my own Errors of Passion, or other Accidents: For your Lordship may well remember, That my Affairs were almost two years since upon the point of a happy Accommodation, had it not been interrupted by the unfortunate mistaking of the Speeches I used to Mr. Clark.

I shall conclude by entreating your Lordships favor, That I may understand from you, as I hope for my comfort, that this Letter hath given his Majesty satisfaction; or if there should yet remain any scruple, That I may have a clear and plain signification of the Kings pleasure, which I shall obey with all Humility.

Your Lordships humble Servant,

BRISTOL.

The Earl of Bristol petitions the House of Lords.

The Earl of *Bristol* petitions the House of Lords, shewing, That he being a Peer of this Realm, had not received a Summons to Parliament, and desires their Lordships to mediate with his Majesty, that he may enjoy the Liberty of a Subject, and the Priviledge of his Peerage, after almost two years restraint, without being brought to a Tryal. And if any Charge be brought in against him, he prayeth that he may be tried by Parliament.

The Petition referred to the Committee of Priviledges.

The business is referred to the Committee of Priviledges, and the Earl of *Hartford* reported from that Committee, That it is necessary that their Lordships humbly beseech his Majesty, that a Writ of Summons may be sent to the Earl of *Bristol*; as also to such other Lords whose Writs are stopped, except such as are made incapable to sit in Parliament, by Judgment of Parliament, or some other Legal Judgment.

Hereupon the Duke signified to the House, That upon the Earl of *Bristol*'s Petition to the King, His Majesty had sent him his Writ of Summons: And withal, he shewed to the Lords the Copy of a Letter written from the King unto the said Earl, being as followeth.

We

2 Caroli.

The Kings
Letter to the
Earl of Bristol.

WE have received your Letter addressed unto us by Buckingham, and cannot but wonder, that you should through forgetfulness make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain deserved of us, which you are to examine by the observations we made, and know you well remember; how at our first coming into Spain, taking upon you to be so wise as to foresee our intention to change our Religion, you were so far from dissuading us, that you offered your advice and secrecie to concurre in it; and in many other Conferences pressing to shew how convenient it was to be a Roman Catholick; it being impossible in your opinion to do any great action otherwise: And how much wrong, disadvantage, and disservice you did to the Treaty, and to the Right and Interest of our dear Brother and Sister, and their Children; what disadvantage, inconvenience and hazard you intangled us in by your Artifices, putting off and delaying our return home; the great estimation you made of that State, and the low price you set this Kingdom at, still maintaining, that we under colour of friendship to Spain, did what was in our power against them, which you said they very well knew: And last of all, your approving of those Conditions, that our Nephew should be brought up in the Emperors Court; to which Sir Walter Ashton then said, that he durst not give his consent, for fear of his head; you replying unto him, that without some such great Action, neither Marriage nor Peace could be had.

Upon the receipt of the Writ, Bristol again Petitions the House of Lords, and annexes to his Petition the Lord Keepers Letter, and his own Answer thereto, and desires to be heard in accusation of the Duke.

The humble Petition of John Earl of Bristol.

Humbly shewing unto your Lordships,

That he hath lately received his Writ of Parliament, for which he returneth unto your Lordships most humble thanks, but joyntly with it a Letter from my Lord Keeper, commanding him in his Majesties name to forbear his personal attendance; and although he shall ever obey the least intimation of his Majesties pleasure, yet he most humbly saereth unto your Lordships wise considerations, as too high a point for him, how far this may trench upon the Liberty and Safety of the Peers, and the Authority of their Letters Patents, to be in this sort discharged by a Letter mislike of any Subject without the Kings hand: And for your Lordships due information, he hath annexed a Copy of the said Lord Keepers Letter, and his Answer thereunto.

The Earl of
Bristol Petitions
the Lords
upon receipt
of his Writ.

He further humbly Petitioneth your Lordships, That having been for the space of two years highly wronged in point of his Liberty, and of his Honor, by many uniller aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power and industry of the Duke of Buckingham, to keep him from the presence of his Majesty and the Parliament, lest he should discover many crimes concerning the said Duke.

He therefore most humbly beseecherh, That he may be heard both in

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the point of his Wrong, and of his Accusation of the said Duke: wherein he will make it appear how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of Wrongs, nor the Accusation against any, be he never so powerfull: And herein he beseecheth your Lordships to mediate to his Majesty for the Suppliants coming to the House in such sort as you shall think fitting; assuring his Majesty, That all he shall say shall not onely tend to the Service of his Majesty and the State, but highly to the Honor of his Majesties Royal Person, and of his Princely vertues: And your Suppliant shall ever pray for your Lordships prosperity.

The Lord Keeper to the Earl of Bristol,
March 31. 1626.

My very good Lord,

BY his Majesties commandment I herewith send unto your Lordship your Writ of summons for the Parliament; but withal signifie his Majesties pleasure herein further, that howsoever he gives way to the awarding of the Writ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordships coming hither, but that you continue under the same restriction as you did before; so as your Lordships personal attendance is to be forborn, and therein I doubt not but your Lordship will readily give his Majesty satisfaction; And so I commend my service very heartily unto your Lordship, and remain

Your Lordships assured Friend and Servant,

Dorset-Court, March 31.
1626.

THO. COVENTRY, C.S.

His Answer to the Lord Keeper.

May it please your Lordship,

I Have received your Lordships Letter of the 31 of March, and with it his Majesties Writ of Summons for the Parliament: In the one his Majesty commandeth me, that all excuses set aside, upon my Faith and Allegiance I fail not to come to attend his Majesty: And this under the Great Seal of England. In the other, as in a Letter missive, his Majesties pleasure is intimated by your Lordship, that my personal attendance should be forborn; I must crave leave ingenuously to confess unto your Lordship, that I want judgement rightly to direct my self in this Case; as likewise that I am ignorant how far this may trench upon the Priviledges of the Peers of this Land, and upon mine and their safety hereafter: For if the Writ be not obeyed, the Law calleth it a Misprision, and highly fineable, whereof we have had late examples; and a missive Letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great-Seal of England: On the
other

other side, if the Letter be not obeyed, a Peer may De facto be committed upon a Contempt, in the interim, and the Question cleared, afterwards: so that in this case it is above mine abilities. I can onely answer your Lordship, that I will most exactly obey; and to the end I may understand which obedience will be in all kindes most suitable to my duty, I will presently repair to my private Lodging at London, and there remain, until in this and other Causes I shall have petitioned his Majesty, and understand his further pleasure. For the second part of your Lordships Letter, where your Lordship saith, That his Majesties meaning is not thereby to discharge any former directions for restraint of your Lordships coming hither, but that you continue under the same restriction as before, so that your Lordships personal attendance here is to be forborne: I conceive your Lordship intendeth this touching my coming to Parliament onely; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of restraint; but on the contrary, having his late Majesties express leave to come to London to follow my affairs, out of my respect to his Majesty then Prince, and to the Duke of Buckingham, I forbore to come until I might know whether my coming would not be disagreeable unto them; wherunto his Majesty was pleased to answer both under the hand of the Duke, and of Mr Secretary Conway, That he took my respect unto him herein in very good part, and would wish me to make use of the leave the King had given me: since which time I never received any Letter or Message of restraint; onely his Majesty by his Letter bearing date June the last, commandeth me to remain as I was in the time of the King his Father, which was with liberty to come to London to follow mine own affairs as I pleased, as will appear unto your Lordship, if you will afford me so much favor as to peruse them. I have writ this much unto your Lordship, because I would not through misunderstanding fall into displeasure by my coming up, and to intreat your Lordship to inform his Majesty thereof: And that my Lord Conway, by whose Warrant I was onely restrained in the late Kings time of famous memory, may produce any one word, that may have so much as any colourable pretence of debarring my coming up to London. I beseech your Lordship to pardon my desire to have things clearly understood, for the want of that formerly hath caused all my troubles; and when any thing is misinformed concerning me, I have little or no means to clear it; so that my chief labor is to avoid misunderstanding. I shall conclude with beseeching your Lordship to do me this favor, to let his Majesty understand that my coming up is onely rightly to understand his pleasure, wherunto I shall in all things most dutifully and humbly conform myself: And so with my humble service to your Lordship, I recommend you to Gods holy protection, and remain,

Your Lordships most humble Servant.

Sherborn, April 12.

1626.

BRISTOL.

Hereupon the Lord Keeper delivered this Message from the King to the House of Lords.

“**T**HAT his Majesty hath heard of a Petition preferred unto this House by the Earl of Bristol, so void of duty and respects to his Majesty, that he hath great cause to punish him; That he hath also heard with what duty and respectfulness to his Majesty their Lordships have proceeded therein, which his Majesty conceiveth to have been upon the

A Message from the King to the House of Lords.

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“ knowledge they have, that he hath been restrained for matters of State ;
 “ and his Majesty doth therefore give their Lordships thanks for the
 “ same, and is resolved to put the Cause upon the honor and justice of
 “ their Lordships and this House. And therefore his Majesty command-
 “ ed him (the Lord Keeper) to signifie to their Lordships his Royal
 “ pleasure, That the Earl of *Bristol* be sent for as a Delinquent to answer
 “ in this House his Offences, committed in his Negotiations before his
 “ Majesties being in *Spain*, and his Offences since his Majesties coming
 “ from *Spain*, and his scandalizing the Duke of *Buckingham* immediate-
 “ ly, and his Majesty by reflection, with whose privity and by whose
 “ directions the Duke did guide his Actions, and without which he did
 “ nothing. All which his Majesty will cause to be charged against him
 “ before their Lordships in this House.

The Lords appointed a Committee to attend the King, and to present their humble thanks to his Majesty for the trust and confidence he had placed in the honor and justice of their House.

The Marshal
 of *Middlesex*'s
 Petition
 touching
 Priests.

About this time the Marshal of *Middlesex* petitioned to the Committee of the House of Commons, touching his resistance in seising of Priests goods.

A Warrant was made by Mr Attorney General to *John Tending* Marshal of *Middlesex*, and other therein named, to search the Prison of the *Clink*, and to seise all Popish and Superstitious matters there found.

A Letter also was directed to Sir *George Paul* a Justice of Peace in *Surrey*, to pray him to take some care and pains to expedite that service. On *Good Friday*, April 7. Sir *George Paul* was ready by six a clock in the morning, five or six Constables being charged, and about an hundred persons to aid and assist them. The Marshal being attended with the persons named in the Warrant, and divers others of his own servants, and the Aid being provided by Sir *George Paul*, came to the *Clink*, and finding a door open without any Porter or Door-keeper at all, entred without resistance at the first appearing: But immediately upon discovery of his purpose, the Concourse of people without, and his unexpected entrance giving occasion thereto, the Porter steps up, shuts the door, and keeps the Marshal and some few that entred together with him, within, and his Aid without, resisting them that would enter, their Warrant being shewed notwithstanding, until by force another door was broken open, by which the other persons named in the Warrant, the Marshals men with the Constables, and others appointed for their assistance with Halberts did enter also, leaving sufficient company without to guard the three several doors belonging to the House.

Being within, the Marshal gave direction to his followers to disperse themselves into several parts of the House, to the end, that whilest he did search in one part, the other parts and places might be safely guarded, and so he proceeded in his search; in the prosecution whereof he found four several Priests in the house; viz. *Preston*, *Cannon*, *Warrington*, *Prator*. *Preston* was committed to the *Clink* about 16 years since, and discharged of his imprisonment about 7 years ago, yet remained there in the Prison still, attended with two women servants, and one man servant, who, as it was suspected, had continued with him ever since the Gunpowder Treason, 1605.

The

The keeping there by himself apart from the Keeper of the Prison, and had for his Lodging three or four several Chambers, part of the Bishop of *Winchesters* House, into which there was a passage made through the Prison yard, no other entrance in or out of the same being discovered; and he affirmed, That he had a Warrant or Licence from the Lord Arch-Bishop of *Canterbury* for his residence there, with liberty freely for himself and all Company that would resort to him thither.

A There was found in his Chamber five or six Cart-loads of Books set up with Shelves, as in a Library or Book-sellers shop, supposed to be worth Two thousand pounds at least; besides which, it was affirmed by the Keeper of the Prison, that he had a far greater Library abroad; for which the Keepers Examination was taken before Sir *Edm. Bower* and Sir *George Paul* Knights, Justices of *Surrey*; wherein it was said, that *Preston* is either licenced, warranted, or protected by the Bishop of *Canterbury*, *Durham* or *Winchester*, to that effect. There were also found two Altars ready furnished for Masse, one more publick in an upper Chamber, the other more private in a Study; many rich Copes, Surplices, Wax-candles, Crosses, Crucifixes very rich, Beads, Jewels, Chains, Chalice of Silver and of Gold, five or six Bags of money which were not opened, and loose money to the quantity of 100 l. lay thrown up and down in his Desk; abundance of Manuscripts, and a Packet of Letters bound up together with a thread.

C In *Cannon's* Chamber was found an Altar ready furnished with many Plates, Jewels, Church-stuff, and many rich Pictures, divers Letters and Manuscripts, Wax-candles, and other such Popish materials; a great deal of his Chamber being shelved about, and full of Books; in one of his Studies also there were Books set in order upon shelves, as in *Preston's* Chamber, to a great value, and a private Altar furnished for Mass, his Hallowed bread ready fitted, and his Holy water, which *Cannon* himself cast out into the chimney. In another Study of *Cannon's* were found great store of curious Tools and Engines to work withal, three Swords or Rapiers, one Pistol and a Fowling-peece: Amongst other things were found Pictures of Queen *Elizabeth*, King *James*, Queen *Anne*, and King *Charles*; the taking whereof, being set apart with other stuff to be removed, did exceedingly move the Priest to impatience. Of whom also it is to be noted, that he had in his custody all the Keepers Warrants for Commitment of his Prisoners, which were found in his Chamber, together with some store of Plate, which he said was by him kept for the Keepers wife.

D In *Warrington's* Chamber were found Books, Beads, Boxes of Oil for Extreme Unction, and such like trash; but the wall thereof was broken down into another house adjoining to the Prison, through which it is conceived that all the rest of *Warrington's* Provision was conveyed away, in the interim of the search made in the two former Chambers.

E The fourth Priest named *Prator*, was first committed to *Gloucester-Goal*, being suspected to be the Archbishop of those parts, and lay there till *Lent-Assizes* last drew on; but for fear of the severity of the Laws (as *Davison* and the Keeper did affirm) a Warrant was procured by the Papists for his remove from *Gloucester* to the *Clink*, where he was found a Prisoner. It was informed by the Keeper, that this *Prator* brought up from *Gloucester* a Gentlewoman who lies in a Chamber next adjoining to his Lodging, and that he paid Two shillings six pence a week for her Chamber, and maintained a Maid-servant to attend her: It is supposed that this Prison

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is her protection from the lawful proceedings that might be had against her in the Country for Recusancie.

In the Porters Chamber were found seven or eight Popish Books.

In the Keepers Lodging was found a Closet or Study, wherein store of Writings, Letters, and long Catalogues of Books were found, with their several prices, one rich Picture or Crucifix, a Picture of *Mary Magdalen*; of which two the Keeper affirmed, that one of them cost thirty pounds; and also many other rich Pictures, amongst which one was a Picture of an old Priest named *Collington*, of whom *Cannon* affirmed in scoffing manner, that that mans beard had done King *James* more hurt then an Army of ten thousand men could have done. *Prestons* servants being one man, two maids, the Gentlewoman that came from *Gloucester*, and her servant, and the Keeper himself, and *Robert Davison* his man, were all examined before the said Justices.

During the Marshals tarrying in the *Clink*, it was observed, that both *Preston* and *Cannon* used all the means they could to have notice of the matter then in hand given to the Lord of *Canterbury*, and were very pensive until they perceived he had notice of it. Whereupon they expressed much joy, being assured, as they said, that then there should be nothing removed out of the house. And it came to pass accordingly: For whilest the Marshal and his servants were in the search of the third Chamber, and had locked up divers other Chambers, wherein as it was informed there was store of Wealth, Church-stuffe, Books, and other matters, which would have been found if the search had been prosecuted; A countermand was brought from the Archbishop, and Master Attorney, whereby the proceeding of that business was staid, and the Marshal was forbidden to remove or take away any thing so much as a paper.

The Keeper and his wife, and the Priests did grievously threaten the Marshal, and all his Assistants with very high tearms, especially with Arrests and Imprisonments for their attempt in this service; one of them saying, that they should be imprisoned, as once one *Harrison* a Messenger, who for performing the like service in the *Clink*, was committed to the *Marshalsey*, and kept there three years, until in the end he was discharged by an Order in the Parliament, as is credibly reported. Furthermore it is also humbly informed by the said Marshal, That upon the twenty second of *March* last by a like Warrant from the Lord *Conway*, he did search the Bishops Prison, called the New Prison in *Maiden-lane* in *London*, where he found six several Priests Prisoners in several Chambers, an Altar with all Furniture thereto belonging; with Church-Books and stuff, which were as much as three Porters could carry away, and it is now in the hands of the Lord *Conway*; of which service if this Honourable House will call for a more particular Accompt, the Marshal is ready to give further satisfaction.

He humbly prayeth the Honourable favour of this House for his encouragement and further abilities to the like services.

Arch-

Archbishop of Canterbury's Letter in behalf of
the Priests in the *Clink*, directed to Master
Attorney-General.

A Good Mr. Attorney,

I Thank you for acquainting me what was done yesterday at the *Clink*: But I am of opinion, that if you had curiously enquired upon the Gentleman who gave the Information, you should have found him to be a Disciple of the Jesuites; for they do nothing but put tricks on these poor men, who do live more miserable lives then if they were in the Inquisition in many parts beyond the Seas. By taking the Oath of Allegiance, and writing in defence of it, and opening some points of high consequence, they have so displeased the Pope, that if by any cunning they could catch them, they are sure to be burnt or strangled for it. And once there was a plot to have taken Preston as he passed the Thames, and to have shipt him into a bigger Vessel, and so to have transported him into Flanders, there to have made a Martyr of him. In respect of these things, King James always gave his protection to Preston and Warrington, as may be easily shewed. Cannon is an old man well-affected to the Cause, but medleth not with any Factions or Seditions, as far as I can learn. They complain their Books were taken from them, and a Crucifix of Gold, with some other things, which I hope are not carried out of the house, but may be restored again unto them; For it is in vain to think that Priests will be without their Beads, or Pictures, Models of their Saints; and it is not improbable that before a Crucifix they do often say their prayers.

I leave the things to your best consideration; and hope that this Deed of yours, together with my Word, will restrain them for giving offence hereafter, if so be that lately they did give any. I heartily commend me unto you, and so rest

Your very loving Friend,

G. Canterbury.

E By this time the Commons had prepared an Humble Remonstrance to the King, in Answer to his Majestie's and the Lord Keeper's Speech.

Most Gracious Sovereign,

Whereas your Majesty hath been pleased of late at sundry times and by severall means to impart unto us your Royal pleasure touching some passages and proceedings in this present Parliament; we do first with unspeakable joy and comfort acknowledge your Majesties grace and favor, in that it hath pleased you to cause it to be delivered unto us by the Lord Keeper of your Great Seal in your own Royal presence, and before both Houses of Parliament, That never King was more loving to his people, nor better affected to the right use of Parliaments; withal professing your most gracious resolution to hear and redress our just Grievances. And with like comfort

The Commons Remonstrance to the King in Answer to his Majesties, and the Lord Keepers Speech.

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fort we acknowledge your Maiesties goodnes shining at the very entrance of your glorious Reign, in commanding the Execution of the Laws established to preserve the true Religion of Almighty God, in whose service consisteth the happinels of all Kings and Kingdoms.

Yet let it not displease your Maiesty, that we also express some sense of just Grief intermixed with that great Joy, to see the careful proceedings of our sincere Intentions so misreported, as to have wrought effects unexpected, and we hope undeserved.

First, touching the Charge against us in the matter concerning Mr. Cook, We all sincerely protest, That neither the words mentioned in your Maiesties Message, nor any other of seditious effect were spoken by him, as hath been resolved by the House without one Negative voice. Howsoever, in a Speech occasionally uttered, he let fall some few words which might admit an ill construction; whereat the House being displeased at the delivery of them, as was expressed by a general and instant Check, he forthwith so explained himself and his intention, that for the present we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by important businesses of your Maiesties service we had not been interrupted.

The like interruption did also befall us in the Case of Doctor Turner; wherein the Question being formerly stated, a Resolution was ordered to have been taken that very day, on which we received your Maiesties command to attend you.

But for our own proceedings, We humbly beseech your Maiesty to be truly informed, That before that Overture from Doctor Turner, (out of our great and necessary care for your honor and welfare of your Realm) We had taken into serious Consideration the Evils which now afflict your people, and the Causes of them, that we might apply our selves unto the fittest remedies: In the pursuit whereof our Committars (whatsoever they might have done) have in no particular proceeded otherwise, then either upon ground of knowledge in themselves, or proof by examination of Witnesses, or other Evidence. In which course of service for the publick good, as we have not swerved from the Parliamentary ways of our Predecessors, so we conceive that the discovery and refozming of Errors is so far from laying an aspersion upon the present Time and Government, that it is rather a great honor and happinels to both, yielding matter to great Princes wherein to exercise and illustrate their noblest virtues.

And although the grievous Complaints of the Merchants from all parts, together with the Common service of the Subiects well-affected to those who profess our Religion, gave us occasion to Debate some businesses that were partly foreign, and had relation to affairs of State; yet we beseech your Maiesty to rest assured, it was exceeding far from our intention either to traduce your Counsellors, or disadvantage your Negotiations.

And though some examples of great and potent Ministers of Princes heretofore questioned in Parliament have been alleadged, yet was it without paralleling your Maiesties Government, or Councils to any Times at all, much less to Times of Exception.

Touching

2 Caroli.

Touching the Letter of Your Majesties Secretary, it was first alleaged by your Advocate for his own Justification, and after by Direction of the Committe produced to make good his Allegation.

A And for the search at the Signet Office, the Copy of a Letter being divulged as in your Majesties Name, with pregnant cause of suspicion, both in the Body and Direction thereof to be supposititious, the Committe out of desire to be cleared therein, bid by their Order send some of themselves to the Signet Office, to search whether there were any Records of Letters of that nature, without Warrant to the Officer for any, much less for a general search.

B But touching Publick Records, we have not forborn as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the Laws of your Realm, and the constant usage of Parliaments. And if for the ease of their Labors, any of our Committees have desired the help of the Officers, Repertoires, or Breviats of Direction, We conceive it is no more then any Subject in his own affairs might have obtained for ordinary fees.

C Now concerning Your Majesties Servants, and namely, the Duke of Buckingham, We humbly beseech Your Majesty to be informed by us your Faithful Commons, who can have no private end but your Majesties Service, and the good of our Countrey, That it hath been the ancient, constant, and undoubted Right and Usage of Parliaments, to question and complain of all persons of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their Sovereign. A course approved not onely by the examples in your Fathers days of famous memory, but by frequent precedents in the best, and most glorious Reigns of your Noble Progenitors, appearing both in Records and Histories; without which liberty in Parliament, no private man, no servant to a King, perhaps no Counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great Officers into question for their misdoings, but the Commonwealth might languish under their pressures without Redress: And whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the Honor of the Crown, and welfare of your Subjects.

E Lastly, We most humbly beseech Your Majesty graciously to conceive, that though it hath been the long Custom of Parliaments to handle the matter of Supply with the last of their businesses, yet at this time out of extraordinary respect to your Person, and care of your Affairs, We have taken the same into more speedy consideration, and most happily on the very day of your Majesties Inauguration, with great alacrity and unanimous consent: After a short Debate, we grew to the Resolution for a present Supply well-known to your Majesty.

F To which, if Addition may be made of other great things for your Service, yet in Consultation amongst us, we doubt not but it will appear. That we have not receded from the Truth of our first Intention, so to supply you as may make you safe at home, and feared abroad, especially if your Majesty shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.

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With like humility we beseech your Majesty not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time, nor to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labors, which we are confident will manifest and iustifie to your Majesty the sincerity and Loyalty of our hearts, who shall ever place in a high degree of happiness the performing of that duty and service in Parliament, which may most tend to your Majesties Honor and the good of your Kingdom.

The House
adjourned for
a week.

Unto this Remonstrance the King said, He could give no present answer, but desired the House to adjourn for a week as the Lords had done; and they adjourned accordingly.

Private advice
given to the
Duke.

In the interim it was intimated in Writing to the Duke, that he should procure his Majesty to signifie to a certain number of Lords, that he hath endeavored to divert the Charge against the Duke, because his Majesty hath had sound knowledge and experience of his service and fidelity.

That his Majesty may let them know, that he is now pleased to reveal some secrets and mysteries of State. That the King his Father finding the Palatinate more then in danger to be lost, and his Majesty being in *Spain*, and there deluded, and his abode and return both unsafe, it was a necessity of State to sweeten and content the *Spaniard* with the hope of any thing which might satisfie and redeem those Engagements. And that therefore the King willed the Duke to yield discreetly to what he should find they most desired, and this was chiefly the point of Religion; So as in this, and all of the like kind, the Duke upon his Majesties knowledge was commanded, and but the Instrument trusted by the King in this Exigent, or if you will say, Extremity.

Upon the same ground, though not in so high a degree, the sending of the Ships to *Rochel* may be excused. Touching the vast Creation of Nobility, his Majesty may declare that his Father who was born a King, and had long experience of that Regiment, found that this State inclined much to popularity; and therefore thought fit to enlarge the number of his Nobles, that these being dispersed into several Counties, might shine as Lamps of Sovereignty in protecting their own degrees, and at their own charge inure the people with respect and obedience to greatness. And the King may protest that this was a child of his Fathers best Judgment, and the Duke the Instrument thereof. And if you say, there was money many times given for these Honors; nay, if you say, that money hath been given for places of Clergy and Judicature, take this of me, it is so in all other Countreys, as in *France* and *Spain*, &c. though I am not satisfied in this opinion. And if it be said, the King should have had the money which the Duke took to his own use, I beleeve this last (may the King say) is more then any man can prove; Neither will I deliver what I know therein, onely this I will say, I know the Dukes particular service, and affection towards me, and that he and his will lay down themselves and all they have at my feet.

Is it for a King to use his Servant and Instrument as he doth his Horses, and being by hard riding in his service foundred and lame, to turn them out to Grais or to the Cart? I must therefore (may the King say) in right of the King, my Fathers Honor, protect a man (though justly seeming guilty, yet) in my own knowledge innocent: Will you therefore

fore deny the King to favor whom he pleaseth, which the King never denied to you that are his Subjects? Well, commend me to my Lords, and tell them that if any thing hath been formerly done amiss by others, I have power and will to redress it, and to prevent the like.

The Bishops
commanded
to attend the
King.

A At this time the King commanded all the Bishops to attend him, and when they were come before him, being fourteen in number, he reprehended them, that in this time of Parliament they had not made known unto him what might be profitable for the Church, whose cause he was ready to promote. And he laid this Charge upon them, that in the Cause of *Bristol* and *Buckingham*, their Consciences being their Guides, they should follow onely proofs, and not rumors.

B The Commons sent again to the Duke by Sir *John Epsley*, to let him know that they were passing Articles against him, and that they had given the Messengers leave to take Notes thereof out of the Clerks Book, whereof he might take a Copy if he pleased; and that they expected his Answer that day before ten of the Clock, if he pleased to send any.

This the Duke signified to the Lords, who did not think fit that he should answer, as appears by the ensuing Report made by Sir *John Epsley*.

C "This day his Grace gave us this Answer, (after he had moved the
"Lords) that he should with great care make all due acknowledgment of
"your respect and favors in giving him this notice, which though it do
"invite him to render unto you such a satisfaction that he hopes may ac-
"quit and restore him to your good opinion, and might prevent your
"proceedings, which otherwise by a Parliamentary course are like to tol-
"low; Yet according to his duty, having moved the Lords of the Up-
"per House, upon your notice given him, they would by no means, as
D "things now stand, give him leave to answer, in regard he is not igno-
"rant you are presently to enter into consideration of his Majesties Mes-
"sage; and that by a delay therein your own purposes will be in some
"fort disappointed, and the affairs of Christendome much prejudiced;
"but for that upon a resolution you have deferred and respited that ser-
"vice until those things depending against him be first determined, he
"out of fear that his necessary defence would spin out a great deal of
"time, which is more precious, is the willinger to obey their Lordships,
E "that so he might hasten without obstacle or interruption given unto
"him, to keep day with his Majesty; And this he doth as he conceives
"to his own infinite prejudice, knowing how grievous it is to be trans-
"mitted as a Grievance by the voice of this House: But he doth profess
"he will rather hazard the safety of his Fortunes, Reputation, and him-
"self, then to be the least occasion of any that may work dis-affection or
"mis-understanding between the King and his People. And it is his
"Protestation, that whatsoever interruption is made by his actions, his
F "endeavors shall be as long as he hath any favor with his gracious Ma-
"ster, to take opportunity of doing good offices to this House, and of
"rendering all that he can be able for the safety of the State, and the ge-
"neral good of the Common-wealth. And thus he saith you may the
"easier beleieve, because his Majesty can witness, that he hazarded in his
"Fathers time the loss of the best affection of the best of Masters to obtain

The Dukes
answer to a
Message from
the Commons
reported.

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“for them their desire. In this zeal he was desirous to have appeared
 “unto you ever since the beginning of this Parliament, and in this zeal he
 “doth now present himself unto you. But to return to the main point, he,
 “lest we should be mistaken, gave us occasion in plain words to remember
 “you, that it is not he that doth refuse to answer, but the Lords com-
 “manded him not to answer, which he the cheerfuller obeyed, in respect
 “of his fidelity to prefer the Universal Weal before his own particular.
 “And in the mean time he desireth the charitable opinion of this Noble
 “House, until he be convinced that he shall appear not worthy of it,
 “which his own innocency maketh him confident that he shall not.

Whilst the Duke stood ready to be impeacht, his Grace propounded to the Lords of the Council to have it moved to the King, that in regard of the important services by Sea, the usual pay to the Sailers might be raised from Fourteen to Twenty shillings a Moneth, which was as much as they ordinarily received for Merchants wages: The King being therein moved, was consenting. Nevertheless multitudes of the pressed Mariners ran away, leaving his Majesties Ships unfurnished, and his Service disappointed.

There was a great Debate in the House of Commons, Whether the Committee of Twelve (where Mr. *Glanvile* had the Chair) shall consider of any new matter not heretofore propounded in the House against the Duke? And it was resolved in the Affirmative.

Glanvile reports from the Committee.

Mr. *Glanvile* reports from the Committee the Examination concerning a Plaister and a Poffet applied and given to King *James* in his sickness, when the Kings sworne Physicians had agreed upon other Directions. Hereupon it was resolved, That this should be annexed to the Charge against the Duke, as a transcendent Presumption of dangerous consequence.

Hereupon his Majesty sent this Message to the Commons.

The Kings Message touching new matter against the Duke.

“**T**hat he having given way to Enquiry about the Duke of *Buckingham*, and hearing that there is new matter intended to be brought
 “against him, nevertheless leaveth the House to their own way to present the business to him, or to the Lords; withal adviseth them to consider of the season of the year, and to avoid all loss of time.

It was Ordered, That thanks should be returned to his Majesty for this Message.

The Earl of *Bristol* brought to the bar of the Lords House.

On Monday the First of *May*, the Gentleman-Usher brought the Earl of *Bristol* to the Bar, according to their Lordships Order; and the Lord Keeper acquainted him, That the King had commanded his Attorney General to charge the Earl of *Bristol* before their Lordships with High Treason, and other Offences and Misdemeanors of a very high nature, that they might proceed in a Legal course against him, according to the Justice and usual proceedings of Parliament.

I. Offences done and committed by the Earl of Bristol, before His Majesties going into Spain, when he was Prince.

Articles
against the
Earl of Bristol.

A
I. **T**hat the said Earl being trusted and employed by the said late King as his Ambassador to *Ferdinando*, then and now Emperor of *Germany*; and to *Philip* the Fourth, then and now King of *Spain*, in *Annis* 1621. 22. and 23. And having Commission, and particular and special Direction to Treat with the said Emperor, and the King of *Spain*, for the plenary restoring of such parts of the Dominions, Territories, and Possessions of the Count *Palatine* of *Rhine*, who married with the most Excellent Lady *Elizabeth* his now Royal Consort, the onely Daughter of the said late King *James*; which were then wrongfully and in hostile manner taken, and possessed with and by the Armies of the said Emperor, and King of *Spain*, or any other; and for preserving, and keeping such other parts thereof as were not then lost, but were then in the protection of the said late King *James*, and to the use of the said Count *Palatine* and his Children: And also to Treat with the said King of *Spain* for a Marriage to be had between the most High and Excellent Prince *Charls*, then Prince of *Wales*, the onely Son and Heir Apparant of the said King *James*, and now our most Sovereign Lord, and the most Illustrious Lady *Donna Maria* the *Infanta* of *Spain*, Sister to the now King of *Spain*: He the said Earl contrary to his duty and Allegiance, and contrary to the trust and duty of an Ambassador, at *Madrid* in the Kingdom of *Spain*, to advance and further the designs of the said King of *Spain* against our said Sovereign Lord, his Children, Friends, and Allies; falsly, willingly, and traiterously, and as a Traitor to our said late Sovereign Lord the King, by sundry Letters and other Messages sent by the said Earl from *Madrid* in the years aforesaid unto King *James*, and his Ministers of State of *England*; did confidently and resolutely, inform, advise, and assure the said late King, That the said Emperor, and King of *Spain*, would really, fully, and effectually make restitution and plenary restauration to the said Count *Palatine*, and his Children of the said Dominions, Territories, and Possessions of the said Count *Palatine*, and of the said Electoral Dignity. And that the said King of *Spain* did really, fully, and effectually intend the said Marriage between the said Lady his Sister, and the said Prince our now Sovereign Lord, according to Articles formerly propounded between the said Kings: Whereas in truth, the said Emperor and King of *Spain*, or either of them, never really intended such restitution as aforesaid. And whereas the said King of *Spain* never really intended the Marriage according to those Articles propounded, but the said Emperor and King of *Spain*, intended onely by those Treaties, to gain time to compass their own ends and purposes, to the detriment of this Kingdom, (of all which, the said Earl of *Bristol* neither was nor could be ignorant.) The said late King *James* by entertaining those Treaties, and continuing them upon those false Assurances given unto him by the said Earl, as aforesaid, was made secure, and lost the opportunity of time, and thereby the said Dominions, Territories, and Possessions of the said Count *Palatine*, and the Electoral Dignity be-

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became utterly lost; and some parts thereof were taken out of the actual possession of the said King *James*, unto whose protection and safe keeping they were put, and committed by the said Count *Palatine*; and the most Excellent Lady *Elizabeth* his Wife, and their Children, are now utterly dispossessed and bereaved thereof, to the high dishonor of our said late Sovereign Lord King *James*, to the disherison of the said late Kings Children, and their Posterity, of their Antient Patrimony, and to the disadvantage and discouraging of the rest of the Princes of *Germany*, and other Kings and Princes in Amity and League with his Majesty.

II. That the said Earl of *Bristol* being Ambassador for his late Majesty King *James*, as aforesaid, in *Annis supradictis*, and having received perfect, plain, and particular Instructions and Directions from his said late Majesty, That he should put the King of *Spain* to a speedy and punctual Answer, touching the Treaties aforesaid: And the said Earl well understanding the effect of those Instructions and Directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late Majesty in honor and safety (as his great Affairs then stood) to put these Treaties to a speedy conclusion: Yet nevertheless he the said Earl, falsely, willingly, and traiterously, contrary to his Allegiance, and contrary to the trust and duty of an Ambassador, did continue those Treaties upon Generalities, without effectual pressing the said King of *Spain* unto particular Conclusions, according to his Majesties Directions, as aforesaid; and so the said Earl intended to have continued the said Treaties upon Generalities, and without reducing them to Certainties, and to direct Conclusions: To the high dishonor of his said late Majesty, and to the extream danger and detriment of his Majesties person, his Crown, and Dominions, Confederates, and Allies.

III. That the said Earl of *Bristol* being Ambassador for his said late Majesty as aforesaid, in the years aforesaid, to the intent to discourage the said late King *James*, for the taking up of Arms, entring into Hostility with the said King of *Spain*, and for resisting him and his Forces, from attempting the Invasion of his said late Majesties Dominions, and the Dominions of his said late Majesties Confederates, Friends, and Allies; the said King of *Spain* having long thirsted after an Universal Monarchy in these Western parts of the World, hath many times both by words and Letters to the said late King and his Ministers, extolled and magnified the greatness and power of the said King of *Spain*, and represented unto his said late Majesty, the supposed dangers which would ensue unto him, if a War should happen between them; and affirmed and insinuated unto his said late Majesty, That if such a War should ensue, his said late Majesty, during the rest of his life, must expect neither to Hunt nor Hawk, nor eat his Meat in quiet: Whereby the said Earl of *Bristol* did cunningly and traiterously strive to retard the Resolutions of the said late King, to declare himself an enemy to the said King of *Spain*, (who under colour of Treaties and Alliances, had so much abused him) and to resist his Arms and Forces, to the loss of opportunity of time, which cannot be recalled or regained, and to the extream danger, dishonor, and detriment of this Kingdom.

IV. The said Earl of *Bristol* upon his dispatch out of this Realm of *England*, in his Ambassage aforesaid, having communication with divers persons in *London*, within this Realm of *England*, before his going into *Spain*, in and about his Ambassage concerning the said Treaty: For the

Negotiating

Negotiating whereof, the said Earl purposely was sent; and he the said Earl being then told, That there was little probability that these Treaties would or could have any good success, he the said Earl acknowledged as much; and yet nevertheless, contrary to his duty and allegiance, and to the faith and truth of an Ambassador, he the said Earl said and affirmed, That he cared not what the success thereof would be; for he would take care to have his Instructions, and to pursue them punctually; and howsoever the business went, he would make his Fortune thereby, or used words at that time to such effect; whereby it plainly appeareth, That the said Earl from the beginning herein, intended not the Service or Honor of his late Majesty, but his own corrupt and sinister ends, and for his own advancement.

V. That from the beginning of his Negotiation, and throughout the whole managing thereof, by the said Earl of *Bristol*, and during his said Ambassage, He the said Earl contrary to his faith and duty to God, the true Religion professed by the Church of *England*, and the Peace of this Church and State, did intend and resolve, that if the said Marriage so treated of as aforesaid, should by his Ministry be effected, that thereby the Romish Religion and Professors thereof should be advanced within this Realm, and other his Majesties Realms and Dominions, and the true Religion and Professors thereof discouraged and discountenanced: And to that end and purpose, the said Earl during the time aforesaid, by Letters unto his late Majesty, and otherwise, often counselled and perswaded his said late Majesty to set at liberty the Jesuites and Priests of the Romish Religion; which, according to the good Religious and Politick Laws of this Kingdom, were imprisoned or restrained, and to grant and to allow unto the Papists and Professors of the Romish Religion, free Toleration, and silencing of all the Laws made, and standing in force against them.

VI. That by the false Informations and Intelligence of the said Earl of *Bristol*, during the time aforesaid unto his said late Majesty, and to his Majesty that now is, (being then Prince) concerning the said Treaties; and by the Assurances aforesaid given by the said Earl, his said late Majesty, and the Prince his now Majesty, being put into hopes, and by the said long delay used, without producing any effect, their Majesties being put into jealousies and just suspicion, that there was no such sincerity used towards them as they expected, and with so many Answers from the Earl had on their part been undertaken, the said Prince our now gracious Sovereign, was enforced out of his love to his Countrey, to his Allies, Friends, and Confederates, and to the peace of Christendom, who all suffered by those intolerable delays, in his own person, to undertake his long and dangerous journey into *Spain*, that thereby he might either speedily conclude those Treaties, or perfectly discover, that on the Emperors and King of *Spains* part, there was no true and real intention to bring the same to conclusion, upon any fit and honorable terms and conditions, and did absolutely and speedily break them off. By which journey, the person of the said Prince being then Heir-Apparant to the Crown of this Realm, and in his person, the peace and safety of this Kingdom, did undergo such apparant, and such inevitable danger, as at the very remembrance thereof, the hearts of all good Subjects do even tremble.

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II. Offences done and committed by the said Earl, during the time of the Princes being in Spain.

VII. **T**hat at the Princes coming into *Spain*, during the time afore-said, the Earl of *Bristol*, cunningly, falsely, and traiterously moved and perswaded the Prince, being then in the power of a foreign King of the Romish Religion, to change his Religion, which was done in this manner. At the Princes first coming to the said Earl, he asked the Prince for what he came thither, the Prince at first not conceiving the Earls meaning, answered, You know as well as I. The Earl replied, Sir, Servants can never serve their Master industriously, although they may do it faithfully, unless they know their meanings fully. Give me leave therefore to tell you what they say in the Town is the cause of your coming, That you mean to change your Religion, and to declare it here. And yet cunningly to disguise it, the Earl added further. Sir, I do not speak this, that I will perswade you to do it; or that I will promise you to follow your example, though you will do it; but as your faithful Servant, if you will trust me with so great a secret, I will endeavor to carry it the discreetest way I can. The Prince being moved at this unexpected motion again, said unto him, I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a Wife to change my Religion. The said Earl replying, desired the Prince to pardon him, if he had offended him, it was but out of his desire to serve him. Which perswasions of the said Earl was the more dangerous, because the more subtle; whereas it had been the duty of a faithful Servant to God, and his Master, if he had found the Prince staggering in his Religion, to have prevented so great an error, and to have perswaded against it, so to have avoided the dangerous consequence thereof to the true Religion, and to the State, if such a thing should have hapned.

VIII. That afterwards during the Princes being in *Spain*, the said Earl having conference with the said Prince about the Romish Religion, he endeavored falsely and traiterously to perswade the Prince to change his Religion, and to become a Romish Catholick, and to become obedient to the usurped Authority of the Pope of *Rome*: And to that end and purpose, the said Earl traiterously used these words unto the said Prince, That the State of *England* never did any great thing, but when they were under the obedience of the Pope of *Rome*, and that it was impossible they could do any thing of note otherwise.

IX. That during the time of the Princes being in *Spain*, the Prince consulting, and advising with the said Earl, and others, about a new offer made by the King of *Spain*, touching the *Palatinates* Eldest Son to marry with the Emperors Daughter, but then he must be bred up in the Emperors Courts; the said Earl delivered his opinion, That the Proposition was reasonable, whereat when Sir *Walter Aston* then present, falling into some passion, said, That he durst not for his head consent to it; the Earl of *Bristol* replied, That he saw no such great inconvenience in it, for that he might be bred up in the Emperors Court in our Religi-

on.

A on. But when the extream danger, and in a manner the impossibility thereof, was pressed unto the said Earl, he said again, That without some great Action, the Peace of Christendom would never be had; which was so dangerous, and so desperate a Counsel, that one so near the Crown of *England* should be poysoned in his Religion, and become an unfriend to our State, that the consequences thereof, both for the present and future times, were infinitely dangerous; and yet hereunto did his disaffection to our Religion, the blindness in his Judgment misled by his sinister respects, and the too much regard he had to the House of *Austria*, lead him,

B III. Offences done and committed by the said Earl after the Princes coming from Spain.

C X. **T**hat when the Prince had clearly found himself and his Father deluded in these Treaties, and hereupon resolved to return from the Court of *Spain*; yet because it behoved him to part fairly, he left the powers of the *Desponsories* with the Earl of *Bristol*, to be delivered upon the return of the Dispensation from *Rome*, which the King of *Spain* insisted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreseeing and fearing lest after the *Desponsories*, the *Infanta* that should then be his Wife, might be put into a Monastery, wrote a Letter back to the said Earl from *Segovia*, thereby commanding him not to make use of the said Powers, until he could give him assurance that a Monastery should not rob him of his Wife; which Letter the said Earl received, and with speed returned an Answer thereto into *England*, perswading against this Direction, yet promising Obedience thereunto. Shortly after which, the Prince sent another Letter to the said Earl into *Spain*, discharging him of his farther command. But his late Majesty by the same Messenger sent him a more expresse direction, not to dispatch the *Desponsories* until a full Conclusion were had of the other Treaty of the *Palatinate*, with this of the Marriage; for his Majesty said, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which Dispatch although there were some mistaking, yet in the next following the same was corrected, and the Earl of *Bristol* tyed to the same Restriction, which himself confessed in one of his Dispatches afterwards, and promised to obey punctually the Kings command therein; yet nevertheless, contrary to his Duty and Alleagiance, in another Letter sent immediately after, he declared, That he had set a day for the *Desponsories*, without any Assurance, or so much as treating of those things which were commanded to him as Restrictions; and that so short a day, that if extraordinary diligence with good success in the Journey had not concurred, the Princes hands might have been bound up; and yet he neither sure of a Wife, nor any assurance given of the Temporal Articles. All which in his high presumption he adventured to do, being an expresse breach of his Instructions; and if the same had not been prevented by his late Majesties vigilancy, it might have turned to the infinite dishonor and prejudice of his Majesty.

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XI. Lastly, That he hath offended in a high and contemptuous manner in preferring a scandalous Petition to this honorable house, to the dishonor of his Majesty of blessed memory deceased, and of his sacred Majesty that now is, which are no way sufferable in a Subject towards his Sovereign; and in one Article of that Petition specially, wherein he gives his now Majesty the Lye, in denying, and offering to falsifie that Relation which his Majesty affirmed, and thereunto added many things of his own remembrance to both Houses of Parliament.

ROBERT HEATH.

The Earl of *Bristol* upon the Attorney Generals accusing him of high Treason, thus exprest himself.

The Earl of *Bristols* expressions at the time of his Accusation.

“ **T**hat he had exhibited his Petition to the House *April* 19, that he might come up and be heard in his Accusation of the Duke of *Buckingham*, and that thereupon he being a Peer of this Realm is now charged with Treason. That he had heretofore informed the late King of the Dukes unfaithfull service, and thereupon the Duke labored that he might be clapt up in the Tower presently upon his return out of *Spain*: That he importuned the late King, that he might be heard before himself, and his Majesty promised it; I pray God (said he) that that promise did him no hurt, for he died shortly after: And for the Kings promise he vouched the Lord Chamberlain for a witness; and he desired the Lords to take notice, that their House was possessed already of his said Petition, and of his Accusation of the said Duke: And therefore desired first that they would receive his charge against the Duke and the Lord *Conway*, and not to invalid his Testimony against them by the Kings Charge against him; and that he might not be impeached, till his Charge of so high a nature be first heard.

“ So he tendred to the House the Articles against the Duke, which the Clerk received, and he withdrew, and his Petition exhibited the 19 of *April* was read; and the Lords resolved upon the Question, That the said Earls Charge against the Duke of *Buckingham* and the Lord *Conway* should be presently read.

The Earl being shortly after called in again to the Bar of the Lords House, concerning his Articles against the Duke, made this speech.

The Earl of *Bristols* speech at the Bar of the Lords House at the delivery of his Articles against the Duke.

“ **F**irst, he craved pardon of their Lordships for his earnest Speeches the other day, confessing them to have been in passion, saying, That unexpected accusation of Treason would warm any honest heart, but would hereafter amend it. Then he rendred their Lordships humble thanks, for their manner of proceeding against him; and desired to know from Mr Attorney, whether that were his whole Charge or not, Mr Attorney answered, That he had Commandment to open no more against him, peradventure upon the opening of the Charge some particulars might arise, and be urged, but no new matter should.

“ Then

“ Then the Earl desired to know of Mr Attorney, who was the Re-
 “ lator to his Charge, and that he might understand who was his Ac-
 “ cuser : Mr Attorney answered, That the King himself out of his own
 “ mouth had given him directions for his own Relation against him, and
 “ corrected many things that were added : Unto which the Earl answer-
 “ ed, That he would not contest with the King, neither did it beseem
 “ him so to do ; neither esteemed he his life or his fortunes so much, as to
 A “ save them by contesting with his Sovereign ; and therefore would
 “ make no reply or answer, were it not that his Religion and Honor
 “ were joyntly questioned with his life ; but this being to descend to his
 “ Posterity, for their sakes he was an humble Suitor unto his Majesty,
 “ that he would not take indignation at his own just defence, yet would
 “ he be ready to make any humble submission to his Majesty ; and hear-
 “ tily desired some means might be made, that he might make it perso-
 “ nally to himself ; wherein he would submit himself most willingly to
 B “ some such act of humiliation and submission, (not wronging his inno-
 “ cency) that never Subject did towards his Sovereign : And also, That
 “ his Majesty would be pleased to set himself in his Throne of Justice,
 “ and declare out of his Royal justice, that he would have the Duke and
 “ him upon equal terms, and that neither of their causes should be advan-
 “ ced before others.

“ These were his humble Petitions which he besought their Lord-
 “ ships to present unto his Majesty, and to take into their considerati-
 C “ ons of how dangerous a consequence it would be, if the King should
 “ be Accuser, Judge, Witness, and should have the Confiscation. As
 “ touching the Charge against him, he said, He had once answered it all,
 “ except that of his Petition ; and he doubted not but to clear himself
 “ before their Lordships of every particular of it ; he said, he expected
 “ not to have heard of this again, having once answered it : He rather
 “ expected to have been charged with some practise with *Spain* against
 “ the State ; or the receipt of Ten or Twenty thousand pounds, for
 D “ the perswading and procuring of the delivery up of some Town, of
 “ which the Crown was in possession, as might be the Town of *Flush-*
 “ *ing*, the *Brill*, or the like ; or for being the means of lending the
 “ Kings Ships to a Foreign Nation, and that against those of our
 “ own Religion ; or for revealing his Majesties highest Secrets,
 “ which none above two or three dares know ; or for treating the
 “ greatest affairs, as it were by his own Authority, without formal
 “ Instructions in the points ; or for having taken Rewards, or
 E “ been corrupted by a Foreign Prince ; or to have broken his
 “ Instructions in any Ecclesiastical point ; or, as the Law cal-
 “ leth it, to have committed an overt Act of disloyalty, and
 “ not to be charged after seven Ambassages, with Discourses and
 “ Inferences.

“ Then he desired their Lordships that he might have a Copy
 “ of his Charge in writing, and time allowed him for his Answer,
 “ and Counsel assigned him to plead his Cause ; and said, there
 “ was a great difference between the Duke of *Buckingham* and
 F “ him ; for the Duke was accused of Treason, and yet at large,
 “ and in the Kings favour ; and he being accused but of that
 “ which he had long since answered, was a Prisoner ; and
 “ therefore he moved that they might be put in equal condi-
 “ tion.

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He layes open
his Case to
the Parlia-
ment.

“ And as touching the Lord *Conway*, in as much as he had given in
“ Articles against him, he desired his Lordship might not meddle in that
“ particular business, nor use the Kings name against him *ex officio*; he
“ also besought their Lordships to be Suitors to his Majesty on his be-
“ half, that all the particular dispatches of his own Ambassages, and
“ Sir *Walter Ashtons* might be brought thither, and that he might make
“ use of them for his defence, as his Evidence; then he desired their
“ Lordships not to think it tedious for him to proceed and lay open his
“ Case unto them; which being granted, he began as followeth. A

“ **H**E said that he had the honor to serve the late King his Master
“ of happy memory, for the space of twenty years, and a long
“ time as a Counsellor, and in seven Foreign Ambassages: In all
“ which time, in point of his Negotiation he had never received one
“ check or rebuke, until the return of the Duke of *Buckingham* out
“ of *Spain*, and therefore from thence he would begin his present Nar-
“ ration. B

“ The very day that his Majesty departed from *Spain*, he was pleased
“ to tell him, That he had no wayes offended him, but did him the ho-
“ nor to trust him with the custody of the powers for his Marriage, and
“ after his return into *England*, wrote unto him some Letters, which
“ did in no kinde expresse any distrust or displeasure against him. About
“ the same time he wrote unto his Majesty several Letters, as in duty he
“ was bound, not for any earthly respect whatsoever, to conceal from
“ him the true state of his Affairs; in which Letter he set down truly
“ and honestly, That he conceived that the distastes grown there betwixt
“ the King of *Spain*, and his Ministers, and the Duke of *Buckingham*, would
“ disorder and utterly overthrow all his affairs, if his wisdom prevented
“ it not, *hinc illa lacryma*: The Duke of *Buckingham* got a sight and
“ knowelge of the Letters, and fearing lest the Earl at his return
“ should discover unto his said late Majesty his practises and misdemea-
“ nors in *Spain*, he resolved, That his access to the King was no wayes
“ to be admitted, and therefore labored and endeavored that he might be
“ committed to the Tower presently upon his arrival; and conceiving
“ That the Lord Maquess *Hamilton* in regard of his Friendship with the
“ Earl and the Alliance which was then intended between them, might
“ oppose this course, he earnestly pressed him therein, and moved him
“ to deal with my Lord Chamberlain to the same purpose, vowing, That
“ there was no hurt intended to the Earl; but onely, that he feared, that
“ if he should be admitted to the King, he would cross and disturb the
“ Course of Affairs; but they were so honorable, that neither of them
“ would condescend thereunto, and so that intention of his took
“ no effect; and therein the Earl desired my Lord Chamberlain,
“ that he would be pleased upon his Honor to deliver his know-
“ ledge. C D E

The Lord
Chamberlain
attests the
truth of what
the Earl had
said.

“ This Design of the Duke not taking, he fell upon other things,
“ indeed to have frightened the Earl out of his Country and honor, and
“ thereupon laid some great and sinister aspersions upon him in both
“ Houses of Parliament, thinking thereby to have terrified him that he
“ should not return, saying, That if he kept not himself where he was,
“ and F

“and laid hold of those great offers which he heard were made unto him
“in *Spain*, it would be worse with him.

2 *Caroli.*

Then the Earl of *Bristol* proceeded and said,

The Earl proceeds.

A “That the knowledge of these aspersions cast upon him in the Parlia-
“ment, came first unto him at *Burdeaux* in *France*, where he was coming
“home at leisure in the company of his wife and family, having formerly
“sent a Post of purpose to the Lord *Conway*, to know if his speedy return
“would be any way useful to his Majesties service: Who answered him,
“That he might very well return at leisure with his family. And in the
“mean time he was fallen upon by the Duke of *Buckingham* in Parliament,
“in such sort as your Lordships well remember; of whose Declaration
“he said he would boldly affirm unto their Lordships, that there was
“scarce any one thing concerning him in it, which was not contrary to,
“or different from the truth.

B “From *Burdeaux* the Earl took Post, making haste, for that he hoped
“to clear his Honor in Parliament before it should break up; and being
“arrived at *Calis*, he sent over to have one of the Kings Ships, for which
“there was publick Order given; but although both wind and weather
“were as fair as could be, and the Kings Ships lay at *Boloign*, having
“carried over Count *Mansfield*, and might every day within three hours
“have been with him, yet the Ship came not in eight days expectance;
“so that the Earl fearing the Parliament would be dissolved, was enforced
C “to pass the Sea in a Boat with six Oars, as he did, having with him
“Thirty or Forty thousand pounds of the Kings Jewels.

“Upon his landing at *Dover*, hoping that if his Arrest should have
“been deferred until his coming to *London*, he might have gotten di-
“rectly to the Kings presence, which the Duke resolved was by no means
“to be admitted; The Earl was there by a Letter of the Lord *Conway*’s
“delivered unto him by a Servant of his, in his Majesties name, com-
“manded to retire himself to his House, and not to come to the Court
D “or the Kings presence, until he should have answered to certain Que-
“stions which his Majesty would appoint some of the Lords of the
“Council to ask him. Hereupon he sent presently to his Majesty, who
“sent him word, That his restraint was neither for any ill meaning unto
“him, nor that it should last long, but was intended for his good, to keep
“the Parliament from falling violently upon him. And the same reason
“the Duke alleadged to some of his Friends; and all those his troubles
“which have followed upon his first restraint, have been procured by the
E “Dukes Art under colour of Favor. But the Earl having received his
“Message from the King, became a most humble Suitor unto his Ma-
“jesty, that he would expose him to the Parliament; for that if he had
“not served him honestly in all things, he deserved no favor, but to be
“proceeded against with all severity. And in this particular he pressed
“the King as far as could stand with duty and good manners; but received
“answer from his Majesty, That there should but few more days pass
“before he would put an end to his affairs: And about this time the
F “Parliament was dissolved.

“He still continued his sollicitation to be admitted to the Kings
“presence; Who sent him word, and confirmed it by oath, That as
“soon as he should have answered the Questions which the Commis-
“sioners were to propound to him, he would both see him, and hear him,
“and wondred that he should so much doubt thereof. He then sollicitated
with

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“with all earnestness to have the Questions sent unto him, which was
 “promised should be within few days. In the interim his Majesty being
 “desirous that the business should have been accommodated, sent secretly
 “to him by a Gentleman (who is ready to depose it) this Message;
 “*That he should write a fair Letter to the Duke, and leave the rest to Him.*
 “Hereupon the Duke sent a Gentleman (one Mr. *Clark*) with fair Pro-
 “positions, offering to procure him whatsoever he could reasonably
 “pretend; only he must not be admitted to the Kings presence for
 “some time; and that the Duke would have the disposing of his *Vice-*
 “*chamberlains* Place, having been therein formerly engaged. The Earl
 “told the Gentleman, That to condescend to any such Course, were
 “jointly to confesse himself faulty in some kind, which he would not do
 “for any respect in the world; and let him know the great wrong that
 “the Duke had already done him, and therefore it would be more hono-
 “rable for him to procure him some reparation, then to press him further.
 “Moreover, not by way of message, but by way of information of the
 “said Mr. *Clark*, he let him know, how fit it were for the Duke not to
 “press these things, who could not but be conscious of his own Faults,
 “and knew his Innocencie; and withall shewed him a Paper that he had
 “made ready for the King, containing the Particulars wherein the Duke
 “had disparaged him.

“Mr. *Clark* making the Duke acquainted herewith, the Duke wrote a
 “Letter the next day to the Earl, bearing date 7 *Julii*, telling him,
 “That he had willingly intended the accommodation of his affairs; but
 “by what he had now said to Mr. *Clark*, he was disoblged, unless he
 “should be pleased to relent it. Whereupon the Earl answered with that
 “directness he thought befitting him in point of Honor. The Course
 “of Mediation was interrupted, and the Duke so far incensed, that he
 “swore he would have him questioned for his life. In the interim, (which
 “the Earl desired might be known to the Lords) His late Majesty was
 “so far from thinking him a Delinquent, or any way dishonest, that he
 “was often heard to say, and swear, That he held him an honest man, and
 “that he would answer for him, that he had neither committed Felony
 “nor Treason. And this divers are ready to depose. The which he well
 “confirmed, for that he gave general leave to all Gentlemen of the
 “Court, Privy-Counsellors, and to his Secretary of State to have free
 “access unto him; yea even so far as to admit of Visits and Entercourses
 “with Spanish Ambassadors, and the *Padre Maestre*, as is best known to
 “my Lord *Conway*, by whose Letter he received his Majesties leave in
 “that particular.

“Then he resumed the state of his business where he left it, which
 “was in the hands of the Commissioners, and they were to frame Inter-
 “rogatories for him; the which although he had promised should be
 “sent him within a few days, yet such art was used, that six or seven
 “weeks were spent in the framing of them, to the end that his Majesties
 “Progress beginning, there might be no means for the further clearing
 “of the business: And so supposing that for the answering of the Twenty
 “Interrogatories of so high a nature, the Earl would take some time, they
 “caused the said Interrogatories to be delivered unto him within a few
 “days before the beginning of the Progress; but he used so much dili-
 “gence, that he made ready to answer *in persona*, though it were in the
 “nature of a Delinquent. Unto which his Majesty answered most graci-
 “ously, That out of his favor, and for that he would not do him wrong,
 “he

“ he would not admit of it, but that he should send his Answer, and he
 “ would instantly put an end to his busineses; as will appear by Letters.
 “ Hereupon the Duke was put into a great strait how to keep him any
 “ longer from his Majesty, but desired that only a few Questions more
 “ might be asked of him; which the King upon great urging and instance
 “ condescended unto, so that the Questions might be presently sent him:
 “ But herein were such Artifices used, that the bringing of any was de-
 A “ layed until the King had begun his Progress; and then within a day or
 “ two the Lord *Conway* sent him word, That he had Order indeed for the
 “ sending of him some more Questions, but out of his affection to him
 “ he forbore the sending of them, unless he should press for them.
 “ Whereupon the Earl instantly wrote unto him, that they might be sent
 “ unto him. My Lord *Conway* made him answer by his Letter, That he
 “ wished rather the course of Mediation might be pursued, for that would
 “ but further exasperate; but if he would needs have the Questions, they
 B “ should be sent to him. Whereupon he sent to solicit his Lordship for
 “ them with all earnestness, insomuch as to petition his late Majesty twice
 “ that the said Questions might be sent: But when the turn was served
 “ of keeping him from the Kings presence, the said Questions were never
 “ more heard of until this day.

“ So likewise the Earl having sent his Answer to all the Commis-
 “ sioners, who most of them made not nice to declare that they were fully
 “ satisfied, and when it was perceived that the Commissioners would
 C “ certainly clear him, and that he thereby should be restored unto his Ma-
 “ jesties favor, they were never more permitted to meet: A proceeding
 “ which, as he conceived, their Lordships would think hardly to be pa-
 “ rallel’d, that a Commission should be appointed to condemn, if there
 “ had been cause, but not to clear.

“ After the Progress was ended, he began again to solicit his Majesty,
 “ and wrote particularly unto the Duke of *Buckingham*. Whereupon the
 “ Duke was pleased to send four or five Propositions, which he desired
 D “ he should acknowledge; the which Propositions contained nothing
 “ but what had been already propounded and satisfied in the former In-
 “ terrogatories; And if he would make his acknowledgment, he then
 “ promised to imploy his force and power with the King and Prince, that
 “ he should be admitted to kiss their hands and be received into their
 “ gracious favor; but otherwise in a menacing sort, That he should lay
 “ his hands upon his breast, and so that would be the best for him. And
 “ in the preface of the said Propositions he writeth in these words which
 E “ follow: *It is an assertion not granted, that the Earl of Bristol by his Answer*
 “ *had satisfied either the King, the Prince, or me of his Innocencie.* A pre-
 “ sumptuous commination for any Subject.

“ But these Propositions were so unjust, that he wrote unto the
 “ Duke, that in stead of an Acknowledgment he had sent him an Answer
 “ unto them; unto which if either himself or any man living was able to
 “ reply, he would submit himself to any thing that should be demanded.
 “ But this no way satisfied the Duke, although it did his late Majesty,
 F “ who in the Dukes presence said, *I were to be accounted a Tyrant, to en-*
 “ *join an Innocent man to confess faults of which he was not guilty.* And
 “ thereupon sent him word, That he should make his Answer, but ac-
 “ knowledge nothing he was not faulty in. And although he received
 “ this Message from the Kings own mouth, as will be deposed, yet the
 “ Duke at the same time wrote unto him, That the conclusion of all that
 “ had

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" had been treated with his Majesty, was, That he should make the Acknowledgment in such manner as was set down in this paper. And at this time likewise it was that his Majesty sent him word, That he would hear him concerning 'the Duke of *Buckingham*, as well as he had heard the Duke concerning him. And this was not long before his Majesties sickness: And in the interim, as he had heard by several ways, the King suffered much, and was infinitely pressed by the Duke concerning the said Earl and his affairs; and this he said was the suffering he had spoken of to their Lordships the other day.

" The Earl craved leave of their Lordships to specify some other particulars, whereby it should appear that his Majesty was in no kind ill opinioned of him till his dying day, *viz.* That several persons will depose, that they have heard his Majesty say, that he esteemed him an honest man; And that he was pleased to accept of Toys by way of Present from him graciously and in good part; and at last was likewise pleased to give him leave to come to *London* and to follow his own affairs, and that his pleasure was signified unto him by the Duke his own Letter. Whereupon he determined to come to *London*, intimated to the Duke his intention of going to his Lodging in *Whitehall*; but the Duke was therewith incensed again, and said he mistook the Kings meaning, which was, that he might privately follow his own business. And this he said was the true State and Condition, when it pleased God to take unto his mercy his late most gracious Majesty.

" Upon his Majesties coming to the Crown, he said he wrote a most humble Letter unto his Majesty, imploring his grace and goodness, and desiring the Dukes mediation: But he was pleased to answer by his Letter of 7 *May* 1625. That the resolution was to proceed against him, without a plain and direct Confession of the Point which he had formerly required him to acknowledge; and in a Courtly manner of menace telleth him, That he would take the freedom to advise him to bethink himself in time what will be most for his good. But in the interim his Majesty was graciously pleased that his Writ of Parliament should be sent him; and thereupon he wrote unto the Duke of the receipt of the said Writ, but that he should do nothing but what he should understand to be most agreeable to his Majesties pleasure. Whereunto the Duke answered in his Letters of *May* in this manner: *I have acquainted his Majesty with your requests towards him touching your Summons to the Parliament, which he taketh very well, and would have you rather make excuse for your absence notwithstanding your Writ, then to come your self in person.* Whereupon he sent humbly to desire a Letter of leave under his Majesties hand for his Warrant; but in stead thereof he received from the *L. Conway* an absolute Prohibition, and to restrain and confine him in such sort as he hath been in the late Kings time: And although he was indeed absolutely set free, he could never get cleared by the Lord *Conway*, though he sent him all the Papers to examine; and when he could make no further reply, he said he conceived he was under restraint, and that his liberty expired with the late Kings death; when indeed Restraint may expire, but Liberty is natural. After this he continued for the space of three quarters of a year in the Country without moving, in which time he was removed from those Places and Offices he held during his late Majesties life; and the greatest part of his Estate being laid out in their Majesties service by their particular appointment, he could never be admitted so much as to the clearing of Accompts. Yet

" hereof

“ hereof he never made the least complaint : But against the time of his
 “ Majesties Coronation, he thought it fit to lay hold of that occasion,
 “ when Princes do Acts of grace and favor, to be a most humble Suitor
 “ to his Majesty for his grace and goodness; and addressed his Letters
 “ unto the Duke of *Buckingham*, from whom he received a Letter all writ-
 “ ten in his own hand, and therein a Letter inclosed from his Majesty,
 “ so different from some gracious Message which he had received from his
 A “ Majesty since the said Earl returned into *England*, upon the occasion of
 “ a great sickness; and likewise from his speeches several times delivered
 “ to his Wife, to wit, That he had never offended him, and that for his
 “ faults, he no ways held them criminal, but to be expiated by any easie
 “ acknowledgment: That he confessed he knew not what judgment to
 “ make of the said Letter, neither hath presumed hitherto to make any
 “ Answer thereto; although by reducing the occasions of speeches, and
 “ circumstances to his Majesties memory, he no ways doubteth but he
 B “ shall be able to give unto his Majesty such satisfaction to every parti-
 “ cular, as his Majesty would not remain with the least scruple in any
 “ one point.

“ After this he said, that his Writ of Parliament was detained; where-
 “ upon he addressed himself to the Lord Keeper, that he would be a Suitor
 “ to his Majesty for him in that behalf: which diligences not taking ef-
 “ fect, by Petition he became a Suitor to their Lordships for their Hono-
 “ rable mediation to his Majesty, and thereupon his Writ of Parliament
 C “ was awarded: But the Duke of *Buckingham* upon that took occasion,
 “ as he had published Copies of the said Letter over all the Kingdom, to
 “ read it likewise in that Honorable House, as was best known unto their
 “ Lordships, and the Writ was accompanied with a Prohibition from the
 “ Lotd Keeper; whereupon he addressed himself for Justice to that Ho-
 “ norable House, (being possessed of his Cause by his Petition) for both
 “ redress of his own wrongs, and likewise of Complaints against the
 “ Duke for many Crimes: And that Honorable House being possessed
 D “ of his Cause by his Petition, there is preferred against him a succeeding
 “ Complaint amounting as high as Treason (as it is pretended) although
 “ he for divers years hath not been questioned; yet since his Complaint
 “ against the Duke, he hath been fetcht up like a Prisoner, and brought
 “ into that House as a Delinquent; And the Duke, of whom he hath
 “ complained for his great Crimes, is admitted still to sit in the House
 “ as one of his Judges. The which with all that he hath formerly said,
 “ together with his Life, Fortunes and Honor, he did with all willing-
 E “ ness, humility and duty, submit to the Justice and Honor of that
 “ House.

“ Then the Lords asked him, When he would bring in his Answer?
 “ He promised to answer as soon as might be, but knew not how far he
 “ should have occasion to use his antient Dispatches. The Lord Keeper
 “ told him, that Mr. Attorney might help him by letting him know it:
 “ The Attorney said, that his Charge should in nothing look further back
 “ then to the year 1621. Which he desired might be recorded.

F “ Whereupon the Earl thanking their Lordships for their patience,
 “ he was carried away by Mr. *Maxwell* the Gentleman-Usher, in whose
 “ house and custody he remained.

Then were read the Earls Articles against the Duke and the Lord
Conway, viz.

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Articles of the Earl of Bristol, whereby he chargeth the Duke of Buckingham, bearing Date the First day of May, 1626.

The Earl of
Bristols Arti-
cles against
the Duke.

I. **T**Hat the Duke of *Buckingham* did secretly combine with the Conde of *Gondomar* Ambassador for the King of *Spain*, before his the said Ambassadors last return into *Spain*, in the Summer An. 1622. To carry his Majesty (then Prince) into *Spain*, to the end he might be informed and instructed in the Roman Religion, and thereby have perverted the Prince, and subverted the true Religion established in *England*: From which misery this Kingdom (next under Gods mercy) hath by the wise, religious, and constant carriage of his Majesty been almost miraculously delivered, considering the many bold and subtile attempts of the said Duke in that kind.

II. That Mr. *Porter* was made acquainted therewith and sent into *Spain*; and such Messages at his return framed, as might serve for a ground to set on foot this Conspiracie; The which was done accordingly, and thereby the King and Prince highly abused, and their Consents thereby first gotten to the said Journey, that is to say, after the return of the said Mr. *Porter*, which was about the end of *December*, or the beginning of *January* 1622. whereas the said Duke had plotted it many moneths before.

III. That the said Duke, at his arrival in *Spain*, nourished the Spanish Ministers not only in the belief of his own being Popishly affected, but did (both by absenting himself from all Exercises of Religion constantly used in the Earl of *Bristols* house, and frequented by all other Protestant *English*, and by conforming himself to please the *Spaniards* in divers Rites of their Religion, even so far as to kneel and adore their Sacrament) from time to time give the *Spaniards* hope of the Prince his Conversion: The which Conversion he endeavored to procure by all means possible; and thereby caused the Spanish Ministers to propound far worse Conditions for Religion, then had been formerly by the Earl of *Bristol* and Sir *Walter Aston* settled and signed under their Majesties hands, with a Clause in the King of *Spain's* Answer of *Decemb. 12. 1622.* That they held the Articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the Dispensation.

IV. That the Duke of *Buckingham* having several times in the presence of the Earl of *Bristol* moved and pressed his late Majesty, at the instance of the Conde of *Gondomar*, to write a Letter unto the Pope, and to that purpose having once brought a Letter ready drawn, wherewith the Earl of *Bristol* by his Majesty being made acquainted, did so strongly oppose the writing of any such Letter, that during the abode of the said Earl of *Bristol* in *England* the said Duke could not obtain it; yet not long after the Earl was gone, he procured such a Letter to be written from his late Majesty unto the Pope, and to have him stiled [*Sanctissime Pater.*]

V. That the Pope being informed of the Duke of *Buckingham's* inclination and intention in point of Religion, sent unto the said Duke a particular Bull in parchment, for to perswade and encourage him in the perversion of his Majesty then Prince.

VI. That

A VI. That the said Dukes behaviour in *Spain* was such, that he thereby so incensed the King of *Spain* and his Ministers, as they would admit of no reconciliation, nor further dealing with him. Whereupon the said Duke seeing that the Match would be now to his disadvantage, he endeavored to break it, not for any service to the Kingdom, nor dislike of the Match in it self, nor for that he found (as since he hath pretended) that the *Spaniards* did not really intend the said Match, but out of his particular ends and his indignation.

VII. That after he intended to cross the Marriage, he put in practice divers undue courses; as namely, making use of the Letters of his Majesty (then Prince) to his own ends, and not to what they were intended; as likewise concealing divers things of high importance from his late Majesty, and thereby overthrew his Majesties purposes, and advanced his own ends.

B VIII. That the said Duke, as he had with his skill and artifices formerly abused their Majesties, so to the same end he afterwards abused both Houses of Parliament by his sinister Relation of the carriage of Affairs, as shall be made appear almost in every particular that he spake unto the said Houses.

C IX. As for scandal given by his personal behaviour, as also the employing of his power with the King of *Spain* for the procuring of Favors and Offices, which he bestowed upon base and unworthy persons for the recompence and hire of his Lust; These things, as neither fit for the Earl of *Bristol* to speak, nor indeed for the House to hear, he leaveth to your Lordships wisdom how far you will be pleased to have them examined; It having been indeed a great infamy and dishonor to this Nation, that a Person of the Dukes great quality and employments, a Privy-Counsellor, an Ambassador, eminent in his Masters favor, and solely trusted with the Person of the Prince, should leave behind him in a Forein Court so much scandal, as he did by his ill behaviour.

D X. That the Duke hath been in great part the Cause of the ruine and misfortune of the Prince *Palatine* and his Estates, in as much as those Affairs had relation unto this Kingdom.

XI. That the Duke of *Buckingham* hath in his Relations to both Houses of Parliament wronged the Earl of *Bristol* in point of his Honor by many sinister aspersions which he hath laid upon him, and in point of his Liberty by many undue Courses through his power and practices.

E XII. That the Earl of *Bristol* did reveal unto his late Majesty both by word and letter, in what sort the said Duke had diserved him and abused his trust: And that the King by several ways sent him word, That he should rest assured he would hear the said Earl, but that he should leave it to him to take his own time. And thereupon, few days before his sickness, he sent the Earl word, that he would hear him against the said Duke, as well as he had heard the said Duke against him. Which the Duke himself heard; And not long after his blessed Majesty sickned and died, having been in the interim much vexed and pressed by the said Duke.

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Articles of the Earl of Bristol against the Lord Conway, bearing Date 1 Maii 1626.

The Earl of
Bristols Arti-
cles against
the Lord
Conway.

I. **T**Hat the Lord *Conway* is so great a Servant of the Duke of *Buckingham's*, that he hath not stuck to send the Earl of *Bristol* plain word, That if busineses could not be accommodated betwixt him and the Duke, he must then adhere and declare himself for the said Duke; and therefore unfit to be a Judge in any thing that concerneth the Duke or the Earl.

II. That the said Lord *Conway* professeth himself to be a Secretary of the Duke of *Buckingham's* creation, and so acknowledgeth it under his own hand: And although that he be the Kings Secretary of State, and a Privy-Counsellor, he usually beginneth his Letters to the Duke, [*Most gracious Patron.*]

III. That as a Creature of the said Dukes, the said Lord *Conway* hath been made the Instrument of keeping the Earl of *Bristol* from the Kings presence, and of imprisoning of him by Warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any sufficient Warrant.

IV. That by the space of Twelve moneths last past, the said Lord *Conway* hath been the Cause of the Earls restraint, only by misinforming his Majesty, and procuring a Letter of restraint upon undue grounds: And when it was made apparent unto him, that the said Earl was restored to his liberty freely to follow his own affairs by his late Majesty of blessed memory, he replied, That that liberty given him by his Majesty expired with the Kings death.

V. That the Earl of *Bristols* Mother lying sick upon her death-bed, desired for her comfort to see her Son, and to give him her last blessing: Whereupon the Earl wrote to the Lord *Conway*, to desire him to move the King for his leave; which he putting off from day to day, told the person imployed, That by reason of the Dukes sickness, he could not find opportunity to get the Dukes leave to move the King; And having spoken with the Duke, he made a Negative answer in the Kings name. Wherewith the Earl acquainting the King by some of his Bedchamber, his Majesty was in a very great anger, swearing the Secretary had never moved him, and that to deny the said Earl leave, was a barbarous part; and thereupon sent him presently free leave; which the Secretary hearing of, sent likewise afterwards a Letter of leave, but with divers clauses and limitations differing from the leave sent him from the Kings own mouth.

VI. That having the busineses of the Earl of *Bristols* in his hands, and the Earl being commanded by the King to address himself in his occasions unto his Lordship, He would never deliver any Message from the said Earl, without acquainting the said Duke and receiving his directions, and in a noble manner of freeness stuck not to send him word.

VII. That the Earl of *Bristol* having received from the Lord *Conway* Twenty Interrogatories in his late Majesties name, drawn up by a Commission of the Lords appointed to search into the Proceedings and Imployments of the said Earl, in which search there was more then two moneths spent, divers of the said Interrogatories involving Felony and

Treason;

Teason; And his Majesty having been pleased to assure the said Earl both by Message and Letters, that upon satisfaction given to himself, and the Commissioners by his Answers, he would presently put an end to the Earl of *Bristol's* Businesse: The Earl of *Bristol* having so fully answered as would admit of no reply, and that many of the Commissioners declared themselves to be fully satisfied: The said Lord *Conway* (being the Secretary in the Commission, to whom it properly belonged to call the Lords to assemble) perceiving the Earl of *Bristol* was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the Earl of *Bristol* have been kept on foot till this present, and the said Earls Imprisonment hath been enlarged Twenty moneths; And by the Artifices of the said Duke of *Buckingham* and the said Lord *Conway* (as shall be made appear) the said Earl hath been insensibly involved and stauked into the troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable Case.

VIII. That for a colour of keeping the Earl from his late Majesties presence, it being pretended after the Answer to the twenty Interrogatories, that there were some few Questions more to be added; whereunto when he should have answered, his Majesty swore solemnly, that without any delay he should be admitted to his presence, and that within two or three dayes he should have the said Questions sent unto him; the Lord *Conway*, notwithstanding he acknowledged under his hand, that he had received his Majesties directions for the sending of the said Articles, and was often thereunto solicited on the behalf of the said Earl, would never send the said Questions; and at last answered, That he had no more to do with the Earls busineses.

IX. That the Earl of *Bristol* being set free by his late Majesty, to come to *London* to follow his own Affairs as he pleased, and thereupon having his Writ of Parliament sent unto him, without any Letter of Prohibition; but the Earl of *Bristol*, out of his great desire to conform all his actions to that which he should understand, would best please his Majesty, sent to know whether his going or stay would be most agreeable unto his Majesty; who was pleased to answer by a Letter from my Lord Duke of *Buckingham*, That he took in very good part the said Earls respect unto him; but wished him to make some excuse for the present: The which accordingly he did, and moved, That he might have a Letter under the Kings hand to warrant his absence; but under colour of this Letter of leave, upon the Earl of *Bristol's* own motion and desire, the Lord *Conway* sent a Letter from his Majesty absolutely forbidding his coming to Parliament; and therein likewise was inserted a Clause, That the Earl should remain restrained, as he was in the time of his late Majesty; and so thereby a colour of restraint under his Majesties hand was gotten, which could never be procured in his late Majesties time; whereby the Earl of *Bristol* hath been unduly restrained ever since, without being able to procure any redress, or to make the Lord *Conway* willing to understand his Case, although he sent him all the Papers, whereby he might clearly see, that the Earl was not under restraint in his late Majesties time; but never other Answer could be procured from him, but That he judged the said Earl to be under restraint, and that his Liberty was expired by the late Kings death, as is aforesaid.

X. That the Lord *Conway*, knowing that the Match for the marrying of the King of *Bohemia's* eldest Son with the Emperors Daughter,

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ter, and being bred in the Emperors Court, was allowed and propounded by his late Majesty: And that his Majesty by his Letters unto his Son-in-law, declareth, That he thinketh it the fairest and clearest way for the accommodation of his Affairs, and that he will take sufficient care for his breeding in true Religion. And notwithstanding that the said Earl received a Copy of the said Letter by the late Kings order, with other Papers, setting down all that had been done in the said business, and his Majesties assent thereunto from the Lord *Conway* himself; yet hath he suffered all to be charged, as a crime against the Earl of *Bristol*, both in the twentieth Interrogatory, and in his Majesties last Letter, that he should consent to the breeding of the young Prince in the Emperors Court. And further in the Interrogatory he alledgeth it as an aggravation against the said Earl, That the breeding of the said Prince in the Emperors Court inferred to the perversion of his Religion, when he knew that his said breeding was never thought nor spoken of by the King, nor any other, but with that expresse Clause and Condition, That he should be bred in his own Religion, and have such Tutors and Servants, as his Father should appoint.

XI. That the Lord *Conway* hath been the cause of all the Earl of *Bristol's* Troubles, by his dubious and intrapping Dispatches, and inferring, That the said Earl hath failed in his Directions, when it shall be made appear, that his Dispatches contained no such Directions as he hath alledged were given.

The House not being satisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman Usher; and further ordered, That the Kings Charge against the Earl of *Bristol* be first heard, and then the Charge of the said Earl against the Duke; yet so that the Earls Testimony against the Duke be not prevented, prejudiced, or impeached.

The day following the Lord Keeper delivered a Message from the King to the House of Lords.

A Message
from the King
to the Lords
concerning
Bristol's Arti-
cles against
the Duke.

“ **T** Hat his Majesty taketh notice of the Articles exhibited against the Duke of *Buckingham* by the Earl of *Bristol*; and he observeth that many of them are such, as himself is able to say more of his own knowledge then any man for the Dukes sincere carriage in them: That one of them, touching the Narrative made in Parliament in the One and twentieth of King *James*, trencheth as far upon himself as the Duke; for that his Majesty went as far as the Duke in that Declaration; and that all of them have been closed in the Earls own breast now for these two years, contrary to his Duty, if he had known any crime of that nature by the Duke; and now he vents it by way of recrimination against the Duke, whom he knows to be a principal Witness to prove his Majesties Charge.

“ And therefore, That his Majesty gave them thanks, that they gave no way to the Earl of *Bristol's* unreasonable motion, of putting the Duke under the same restraint that they had put the Earl, thereby eschewing what the Earl aimeth at, to alter their dutifull Proceedings toward his Majesty: That thereby they had made his Majesty confident, that as they have, so they will put a difference between his

“ Majesties

“ Majesties Charge against one that appeareth as a Delinquent,
 “ and the recrimination of the Earl of *Bristol* against his Majesties
 “ Witnels; and they will not equal them by a proceeding *Pari*
 “ *Passu*.

2 *Caroli.*

At this time there was an endeavor to take the Earls Cause out of the House, and to proceed by way of Indictment in the Kings-Bench: To which manner of proceeding why the Lords should not give way, these ensuing Reasons were offered to consideration.

I. It was ordered, That in all Causes of moment, the Defendants shall have Copies of all Depositions both *pro* and *contra* after publication, in convenient time, before hearing, to prepare themselves; and if the Defendants will demand that of the House in due time, they shall have their learned Council to assist them in their defence: And their Lordships declared, That they did give their assents thereto; because in all Cases, as well Civil as Criminal and Capital, they hold, That all lawfull help could not before just Judges make one that is guilty avoid Justice; and on the other side, God defend that an Innocent should be condemned.

The Reasons.

II. The Earl of *Bristol* by his Petition to the House complained of his restraint, desiring to be heard here, as well in points of his wrongs, as in his accusations against the Duke; whereof his Majesty taking consideration, signified his pleasure by the Lord Keeper *April* the 20, That his Majesty was resolved to put his Cause upon the honor and justice of this House; and that his pleasure was that the said Earl should be sent for as a Delinquent to answer the offences he committed in his Negotiation before his Majesties going into *Spain*, whilst his Majesty was there, and since his coming thence; and that his Majesty would cause these things to be charged against him in this House; so as the House is fully possessed of the Cause, as well by the Earls Petition, as by the Kings assent, and the Earl brought up to the House as a Delinquent to answer his offences there; and Mr Attorney hath accordingly delivered the Charge against him in the House, and the Earl also his Charge against the Duke: And now if he be proceeded withal by way of Indictment in the Kings-Bench, these dangerous inconveniences will follow; *viz.*

1. He can have no Counsel.
2. He can use no Witnels against the King.
3. He cannot know what the Evidences against him will be, in a convenient time to prepare for his Defence; and so the Innocent may be condemned, which may be the Case of any Peer.
4. The Liberties of the House will be thereby infringed, the Honor and Justice thereof declined, contrary to the Kings pleasure expressly signified by the Lord Keeper.

All these things are expressly against the Order.

5. The Earl being indicted, it will not be in the power of the House to keep him from Arraignment, and so he may be disabled to make good his Charge against the Duke.

Therefore the way to proceed according to the Directions and true

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true meaning of the Order, and the Kings pleasure already signified, and preserve the Liberties of the House, and protect one from injury, will be

First, To have the Charge delivered into the House in writing, and the Earl to set down his Answer to it in writing; and that the Witneses may be examined, and Evidences on both sides heard, by such course and manner of proceedings as shall be thought fit by the House; and if upon full hearing the House shall finde it to be Treason, then to proceed by way of Indictment; if doubtfull in point of Law, to have the opinion of the Judges to clear it; if doutfull in matter of Fact, then to refer it to a regal Fait; And the rather for that

1. It appears that the Earl, in the space of two years (till now he complained) hath not been so much as questioned for matter of Treason.

2. He hath been examined upon twenty Interrogatories, and the Commissioners satisfie that his Answer would admit of no Reply.

3. The Lord *Conway* by several Letters hath intimated, That there was nothing against him but what was pardoned by the Parliament. Pardon of 21 *Fac*. And signified his Majesties pleasure, That he might rest in that security he was, and sit still.

His Majesty hath often declared both to the Countess of *Bristol* and others, That there was neither Fellony nor Treason against him, nor ought else, but what a small acknowledgment would expiate.

Some Cases happened in Parliament 1 & 2 *Caroli*; wherein the Judges opinions were had; viz.

THis Question was put to all the Justices; *Whether a Peer impeached for Treason shall be tried in Parliament?* And the chief Justice, in the name of all the Justices, delivered his opinion that the course by Law was Indictment, and this to be signified in Parliament before the Lord Steward; vide 10 *Edward* 4. 6. or by Bill, and an Act of Parliament to attain the Party. An Order was made in the Upper-House of Parliament 21 *Fac*. That any Peer shall have Counsel in case Criminal or Capital; and upon the Accusation of the Earl of *Bristol* in Parliament, he made a motion for Counsel; which matter was commended to the King by the Lords, with voucher of the said former Order: The King returned Answer that this was contrary to the Fundamental Laws of the Realm; but inasmuch as it was for his Benefit and Prerogative, with which he may dispence; therefore out of his grace he would allow the Earl of *Bristol* to have his Counsel, with protestation that he would advise in the general; and the same Order was made without his privacy, and without hearing the Justices or his Counsel. And upon the Trial of the Lord *Middlesex*, in a Case Criminal and not Capital, afterward, that is to say Friday after, upon the assembly of all the Justices, the Attorney of the King, by commandment of the King, demanded their opinion; and they with one voice agreed, That where the Trial is upon Indictment, no Counsel in Fellony or Treason is to be allowed, unless a matter of Law happen, or upon the Indictment, or upon Plea of the Defendant, or upon Evidence, and in such Cases the Prisoner may have Counsel, but not otherwise.

The

The Lords by Order referred to the Justices this Question; *Whether the King may be a Witneß in case of Treason?* Secondly, Admit that this be for Treason done, when he is privy: *Whether in this case he may be a Witneß, or not?* and before the Resolution, this Message and Command came from the King to the Justices, that in this general Question they do not deliver any opinion; but if any point come in particular, they upon mature deliberation may give their advice. And this was declared by the Cheif Justice in the Upper House of Parliament, and the said Matter surceased.

Sitting this Parliament, the Duke of *Buckingham* was deputed Procurator by several Peers, whose Votes on any occasion, he had power to make use of, *viz.* By the Earls of *Bath, Exeter, Cumberland, Northumberland, Lord Teinham, Colchester, Tunbridge, Evers, Darcy, Meynel, Noel, St. John of Basing, Mansfield, and Roberts.* Whereupon the House of Peers made an Order, That after this Session, no Lord of this House shall be capable of receiving above two Proxies, nor more to be numbred in any Cause voted.

About a fortnight after, the Charge was given in against the Earl of *Bristol*, the Earl gave in his Answer, which we have chosen to insert here for the Readers more conveniency, though a little out of time. And having the Answer in his hand, ready to deliver to their Lordships, he did crave leave, that by way of Introduction he might speak a few words, and began thus.

I Am not insensible upon what disadvantages I come to tryal in this Cause: For first, I am tahn into his Majesties heavy displeasure, and I am to encounter with a potent Adversary highly in favor, and am accused for Treason; for which, all Counsel and Friends abandon me as a man infected with the Plague; I am become bound and under restraint, whereas a man who is to encounter for his life and honor, and with a strong Adversary, had need to come upon equal terms.

“But as to the Matter, I finde my self charged with divers Articles of High Treason; but looking into them with the eyes of my best understanding, with the opinion also of my Council lately assigned me, and taking them apart one Article from another, I finde not any thing in them like Treason, or that hath so much as the shew or countenance of a fault, either in act or words; onely by laying all things together, and by wresting the wrests with a strained Construction, directly contrary to the true sence and meaning of them, and the occasion whereupon they were spoken, it is informed, and that by way of inference onely, That the intent was evil, and the matter to prove the intent to be evil, depends upon two props, *viz.* Ill affection to Religion, and too much affection to *Spain*; which if I shall clear, the Inference grounded upon these props, will fall of it self.

“Therefore I crave leave of your Lordships, before I give my Answer to the Charge, that I may give you an account of these two particulars; and I humbly beseech you, that what I shall speak in my just defence, may not be conceived to proceed of vain ostentation.

“And first for Religion, I was in my Childhood bred in the Protestant Religion, and rather after the stricter manner then otherwise. When I grew in years fit, I travelled into *France, Italy, and Rome* it

The Earl of *Bristol's* Speech by way of Introduction, before he gave in his Answer.

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“ self : In all which Travels, I can produce some that I conformed
 “ withal, who will witness with me, that I ever constantly used the Re-
 “ ligion I professed, without the least prevarication; no man being able
 “ to charge me, that so much as out of curiosity I ever was present at
 “ any of the exercises belonging to the *Roman* Religion, or did the least
 “ act of Conformity to any of their Rites or Ceremonies.

“ Secondly, After my return home I was received into the service of
 “ his late Majesty of Blessed Memory, whom I served some years as a
 “ Gentleman of his Privy Chamber, and Carver; in which time, none
 “ of his Majesties Servants received the Holy Sacrament, frequented Ser-
 “ mons, and other exercises of our Religion, more then I.

“ Thirdly, In that time of my youth, not to avoid idleness, but
 “ out of affection to Religion, I translated that excellent Book of our
 “ Faith, and great Points of our Religion, Written by Monsieur *Mou-*
 “ *lins*; which his late Majesty having sometimes after seen, approved so
 “ well, that he would needs have it Printed; which accordingly was
 “ Printed in the name of Mr. *Sampford*, my Chaplain, to whom I gave
 “ the honor: But it was my own act, as Mr. *Sampford* will not deny,
 “ though to this hour I had never before spoken of it.

“ Fourthly, About Seven or eight and twenty years of my age, I
 “ was employed Ambassador into *Spain* in that great business of the
 “ Treaty of the Marriage; and whereas others before me, carried with
 “ them but one Chaplain, I had two, viz. Mr. *Sampford* and Mr. *Boswel*;
 “ and at my arival at the Court of *Spain*, I caused it to be published, that
 “ such a day (God willing) I purposed to have a Communion, to the end
 “ that such English as were in the Town, might resort thither. Whereat
 “ the Duke *De Lerma* and other the great Ministers of *Spain* took offence,
 “ and told me they might well perceive I brought no good affection to
 “ the business I came about, that would so publickly and avowedly in
 “ that Court, where never the like was done, proclaim there a Commu-
 “ nion: and with high expression perswaded me to decline it. Where-
 “ unto I answered, I came to do my Master service, which I would hearti-
 “ ly and effectually endeavor, but would not omit my service to God, no
 “ though my Master commanded. And at the Communion there were
 “ present One hundred persons, some of them Brothers, Kinsmen, and
 “ near dependence upon some of their Lordships, whom I see there in
 “ my eye. This I did in *Spain*; the like I did in *Germany* in the Empe-
 “ rors Courts in his Ambassage thither.

“ Fifthly, I had in my several employments into *Spain* and *Germany*
 “ above Five hundred persons of all qualities attending upon me, and
 “ never one perverted in Religion: My Children carefully instructed and
 “ bred in the same Religion. I had constantly every Sabbath a Sermon
 “ in my House, and Sacraments, and other exercises of our Religion fre-
 “ quented.

“ Sixthly, A foul-mouthed *Shimei* railed against our late King and
 “ Religion in *Spain*; how I caused that to be revenged by a near Kinsman
 “ of my own, is well known.

“ Seventhly, One of the English dying in the Town of *Madrid*, of
 “ whose Religion there was some question made; and the Kings Chap-
 “ lains telling me that they at the day of his death had been with him,
 “ and taken an accompt of his Faith, and that he died a Protestant: I
 “ caused him to be brought home to my House, and there buried accord-
 “ ing to our Rites; whereat much ado was made, and it was threatned,
 “ that

“ that the Inquisitors and other Officers would come, and fetch him out,
 “ and bury him after their manner : I stood upon it, and that it was the
 “ King of *Englands* House, and openly protested, that whosoever should
 “ come thither with such intent, I would shoot at him with a Peece, and
 “ exhorted all my people, That if such an attempt should be, they should
 “ rather then suffer such a dishonor to our Religion, die with me in that
 “ quarrel, and hoped such English as were in the Town would do the like.

A “ Eighthly, There having been a Monastery for English Jesuites,
 “ founded and settled at *Madrid* before my coming thither, and the English
 “ Arms set up, I labored to suppress it, and having written thereof to
 “ the late King, his Majesty advised me not to run my Head against the
 “ Rock ; for it was an impossible thing for me to do: Yet I undertook it,
 “ and it pleased God so to bless my endeavors, That I absolutely dissolved
 “ and overthrew it. For which, the Bishop of *Winchester, Montague* (now
 “ with God) wrote unto me by his Majesties direction, a Letter of his Ma-
 B “ jesties gracious acceptance of so great a Service, telling me, Besides the
 “ service I had done to the Church and Commonwealth, it should remain
 “ a Trophy of Honor to me and my Posterity for ever: And the King
 “ himself with his own hand wrote unto me, beginning his Letter, *Good*
 “ *Fortune Digby, your good luck in your Service well deserves that stile.*

“ Ninthly, In all Negotiations in *Spain*, in point of Religion, I
 “ ever straightned my Instructions.

C “ Tenthly, The Match with *Spain* was not moved by me, I ever ad-
 “ vised a Protestant Match, and shewed many Reasons both of Conscience
 “ and State ; but if with a Catholick, then rather with *Spain* then *France*,
 “ so as good Conditions might be made for Religion ; as appears by a
 “ Letter I wrote and delivered to the Prince, at his first going upon the
 “ employment ; for which I had like then to have been ruined for being a
 “ *Puritan*, as I am now for being a *Papist*, and all by one and the same hand.

D “ Eleventhly, And I appeal to the Testimony of *Dr. Mason* and *Dr.*
 “ *Wren*, the Kings Chaplains with me in *Spain*, and to *Mr. Sumpford*,
 “ *Mr. Boswel*, and *Mr. Frewen*, my own Chaplains there. And that such
 “ Papists as have been my antient Acquaintance and Friends, being men
 “ of worth, well known to many of their Lordships, may be examined
 “ upon Oath, Whether I have not in all places as well in *Spain* as in *Eng-*
 “ *land*, and at all times upon fit occasions, avowed my self a Protestant,
 “ without the least prevarication ? Or whether I did ever any the least act
 “ that was not suitable to the same Profession ? And that *Mr. Frewen*, *Mr.*
 “ *Wake*, my own Chaplains, may give their Testimonies, whether in the
 E “ time of several dangerous sicknesses which I had of late years fallen into,
 “ I have not in the time of such my sicknesses (when no man can be sup-
 “ posed to dissemble with the World, being ready to leave it) made before
 “ them a Confession of my Faith, and made my Peace with God, resol-
 “ ving to die as befitted a Protestant, and good Christian. This I tell
 “ your Lordships, was my Religion I was bred in, have ever professed
 “ and lived in, and was resolved, by Gods Grace to die in ; and yet was
 “ so unhappy by reason of employment, to be distasteful to many good
 “ men, that I have been suspected even by them, not well knowing me:

F “ And this hath been the rise the Duke hath now taken against me. Then
 “ for my love to *Spain*, I wonder from whence that opinion should grow,
 “ since I was there hated and shamed, as the man whom of all others
 “ they desired to have the least to do withal ; having stood ever stricter
 “ in point of Religion, then by my Instructions I might have done ; as

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“after the Capitulation concluded on, they understood by some intelligence, which caused their hatred towards me.

“Sure I am, I shewed it not by the service I did them; for divers years together there was not a Letter sent by that King to any other State, that the King my Master had not a Copy of before, or by that time it came to the place whither it was directed. There was not any great action on foot, whereof I had not the private Instructions, and sent them hither; not any expedition by Sea or Land, wherein I had not some Ministers or Intelligencers, that gave me from time to time Advertisement of their Actions, and most private Intentions, whereof I advertised his Majesty from time to time. I used such industry as to get all the Papers of that Kings private Cabinet into my hands; took Copies and Notes of such of them as I thought useful; and upon every of them, set my private mark before they were conveyed back again, to the end, that if I should have had an occasion to have charged him with any thing mentioned in the same Papers, I might have let him see I knew it, by telling him in what Paper it was, and marked with such a mark.

“There was not a Port in *Spain* that I had not caused the depth of it to be sounded, nor a Fort whereof I knew not the strength, both for the Garison, Munition, and other matters of advantage and disadvantage; insomuch as if it should please the King to appoint a Committee of the Lords to take account of me, I should by the stores I gathered there, and brought with me, make it appear I was as useful a Servant to His Majesty in a War, as in Peace. Whereas at his Majesties coming out of *Spain* the powers for the *Desponsories* were to be deposited in some mans hands; and the Duke upon pretence of doing me honor, but intending to break my Neck by it, moved, they might be left with me, and the King of *Spain* was contented; and so they were put into my hands, not as an Attorney onely for the Prince: But the King of *Spain* having taken the substitution of them by his Secretary of State entred in Legal form; whereby that King was then become interessed in them by their occupation, as well as the Prince by granting of them. And becoming the *Instrumentum stipulatum*, wherein they were both interessed, they were deposited in my hands, as an indifferent person trusted between the King of *Spain* and the Prince, with a Declaration of the Trust. And now the Duke was returned out of *Spain*, he plotted my ruine, and put it in execution in this manner. He concealed that the powers were to expire at *Christmas*, and procured his Majesty to write a Letter, (not a direct Commandment) but expressing a desire that the *Desponsories* should not be till one of the days in *Christmas*, intending thereby to draw me into a *Dilemma*, That if I proceeded in the Match, this Letter should, as now it is, have been enforced against me, as a breach of Instructions: If I had not proceeded, then I had broken my trust between the Prince and King of *Spain*, overthrown the Marriage so long sought and labored, it being the main scope of my Ambassage, contrary to expresse Warrant, and that upon a Letter I must needs know to be a mistake. And when I had written into *England* to have a direct Warrant in the point, the Duke then seeing that Plot would not take, he dealt with divers great Lords, as was well known to some of their Lordships there present, to have me upon my arrival in *England*, committed to the *Tower*, before I should ever come to speak with the King; which the Spanish Ambassador here in *England*, having gotten

“ gotten private notice of, gave advertisement thereof to that King :
 “ Who thereupon foreseeing my danger, and consulting with his Council,
 “ and Divines, what were fit for him in Honor and Conscience to do in
 “ that Case, they resolved, That seeing my Sufferings grew by being an
 “ honest man, and endeavoring to perform the trust reposed in me by that
 “ King as well as the Prince ; That King was bound both in Honor and
 “ Conscience, not onely to preserve me from ruine, but to make me a
 A “ reparation for any loss I should sustain by occasion of the Trust : Where-
 “ upon at his departure, going to Court to take his leave, the *Conde de*
 “ *Olivares* told me what was plotted against me in *England* ; and in re-
 “ spect of the danger, by reason of the greatness of my Adversary, per-
 “ swaded me to stay there ; and in his Masters Name made an offer, not
 “ in secret, but in the presence of *Sir Walter Aston*.

Here he repeated those offers of Reward, Honor, and Preferment,
 which we have mentioned before in order of time, and at present pass it
 B by ; he then proceeded and said,

“ Upon what grounds and hope came I to encounter with those dan-
 “ gers ? Not upon hope of my greatness in Court, and strength of Friends,
 “ there to bolster out an ill Cause ; no sure, my strength was too weak,
 “ and my adversaries too powerful : But I knew my Conscience was clear,
 “ and my Cause was good, and trusted in God Almighty. And to him
 “ now, and to their Lordships judgments, recommended my self, and my
 “ Cause.

And then he delivered his Answer, desiring their Lordships it might
 be after Recorded in Parchment, that it might remain to posterity ; which
 being read by one of his Council, the *Lord Keeper* asked him, Whether
 he desired to say any more then he had done ? he answered, That he had
 something more to say, but knew not the order, or whether Mr. *Attorney*
 would speak first ; but he being desired to speak, He desired their Lord-
 ships he might put them in minde of what he conceived they had already
 promised, which was, That the Duke whom he accused in that House of
 D far higher offences then any, with which he was charged, might be pro-
 ceeded with as he was, and that they might be upon equal Conditions.
 And that such heads as he had delivered against the Duke, being of such
 Matters as he met withal in his Negotiation as an Ambassador ; and
 which he had according to his duty acquainted the State withal, might by
 their Lordships care and order be put into Legal form, and prosecuted ;
 for so was the use when he had the honor to sit at the Council Table. He
 said, He conceived he had already done his part to inform, and would be
 E ready to make it good, it concerning their Lordships to see it prosecuted,
 it not being to be expected that he should solicit it ; or if he would, he
 could not, being under restraint. And he desired likewise, that the Judges
 might deliver their opinions, Whether the matter charged against him,
 were Treason ; that if it should not so be in their opinions, he might not
 lie under so heavy a burthen.

He put their Lordships in minde, that it was a strange manner of pro-
 ceeding, that upon a displeasure, a Peer of the Kingdom complaining of
 F those that had practised against him, and had been the causers of his Suf-
 ferings, should then, and never but then, be charged with Treason. He
 told them it was not his case alone, but it equally concerned them and their
 Posterity, and it might be some others hereafter, more then him now.
 For he said he thanked God he had some experience in the World, and
 thereby and by those things he had kept, was able to make his innocency
 appear,

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appear, which perhaps would not be every mans hereafter ; and so many an honest heart in a good cause distracted with fears, and abandoned of Friends, might perish through the malice of a potent Adversary.

The Lords again asked him whether he had any thing more to say ; he answered No, but desired leave onely to explain himself in two things ; one in his Speech now spoken, and the other when he was first brought to the House. That in his Speech this day, was, where he affirmed he had like to have been ruined in his Negotiation: First, For being a *Puritan*, and now for being a *Papist*, and both by one hand ; he explained it to be by the hand of the Duke of *Buckingham*. And the other when he first came to the House, saying there, For Redress of former sufferings, and meeting on the sudden with Treason charged upon him, he spake in Passion, expressing the Wrongs and Injuries done him by the Duke ; and told their Lordships, he had used means to convey part of his Sufferings to the late King his Master, who in the Dukes hearing, sware he would (after he had heard the Duke against him) hear him also against the Duke ; for which his Majesty suffered much, or to some such purpose. Now he understandeth this Speech to reflect upon what was in Agitation in the Lower House ; but he said, although he could not well excuse the Dukes indiscretion in that point ; yet he spake it not any ways to corroborate that opinion ; For howsoever the Duke were his enemy, yet he could not think so dishonorably of him.

The Answer of the Earl of Bristol to the Articles of several High Treasons, and other great and enormous Crimes, Offences, and Contempts, supposed to be committed by him against our late Sovereign Lord King James of Blessed Memory, deceased, and our Sovereign Lord the Kings Majesty that now is ; wherewith the said Earl is charged by his Majesties Attorney-General, on his Majesties behalf, in the most High and Honorable Court of Parliament, before the King and the Lords there. And not acknowledging any the supposed Treasons, Crimes, Offences, and Contempts, wherewith he is charged in, and by the said Articles to be true ; and saving to himself all advantages, benefit, and exception, to the Incertainty and Insufficiency of the said Articles, and of the several Charges in them contained : And humbly praying, that his Cause may not suffer for want of Legal form, whereunto he hath not been used, but may be judged according to such real and effectual Grounds and Proofs, as may be accepted from an Ambassador (the ground of the Charge growing thence) and that he may have leave to explain himself, and his own meaning in any thing that may seem of a doubtful Construction. For Answer, saith as followeth.

His Service to the Palatinate when he was Ambassador to the Emperor.

I. **T**He First Article he denieth ; and because the Matters contained in the said Article consist of several parts, *viz.* The loss of the said Palatinate, and the Match with the said Lady of *Spain*, and of the several Employments ; as of one Extraordinary Ambassage to the Emperor, and another to the King of *Spain*, in the years 1621. 22. and 23. He humbly craves leave of this most Honorable Court to separate the businesses, and distinguish the times.

And beginning with the *Palatinate* first, to give an account of his Ambassage to the Emperor, and so to make as brief a Deduction as he could of the whole carriage in that business, from the beginning of his employment to the time he left it in his Ambassage to the Emperor, he propounded all things faithfully according to his Instructions, and the

Answers

Answers which he returned to his late Majesty of Blessed Memory, were the very same and no other, then such as were given by the Emperor under his Hand and Imperial Seal; the which, according to his duty, he faithfully sent unto his said Majesty, and withal did honestly and truly advertise his said Majesty what he understood and thought then upon the place; but was so far from giving to his Majesty any ill-grounded hopes in that behalf, that he wrote unto the Lords of the Council here in England from Vienna, 26 July, 1624. in such sort as followeth.

A

I Am further to move your Lordships, That there may be a Dispatch made presently into Spain to his Majesties Ambassador, and Mr. Cottington, that they deal effectually for the repairing and ripening of the business against my coming; that they use some plain and direct Language, letting the Ministers there know, That the late Letter sent by the King of Spain to the Emperor, was colder and more reserved then his Master had reason to expect. I shall conclude with telling your Lordships, That although I despair not of good success in that knotty business, yet I hope his Majesty and your Lordships, lay not aside the care of all fitting preparations for a War, in case a Peace cannot be honorably had. And amongst other things, I most earnestly commend unto your Lordships, by your Lordships unto his Majesty, the continuing yet abroad for some small time of Sir Robert Mansels Fleet upon the Coasts of Spain; which, in case his Majesty should be ill used, will prove the best Argument we can use for the Restitution of the Palatinate.

B

C

And this his Advice, he saith, was wholly intended by his Actions, by being the cause as he returned homeward out of Germany, to bring down Count Mansfield, whereby the Town of Frankendale was relieved by supplying of his Majesties Army then in great distress, with Moneys and Plate, to the value of 10000 l. meerly out of his zeal and affection to the good of the King and his Children, having no Warrant or Order, but that his heart was ever really bent in effects more then in shews, to serve the Kings Son-in-law and his cause, as by the discourse of this business will appear. And how acceptable these Services were, will more appear by the Letters of the Queen of Bohemia, in these words following.

D

My Lord,

E

Having understood from Heidelburgh, how you have shewed your affection to the King and me in all things, and in the help of Money you have lent our Soldiers; I cannot let so great Obligation pass, without giving many thanks for it by these lines, since I have no other means to shew my gratefulness unto you: Howsoever assure your self that I will never be forgetful of the Testimonies you give me of your love, which I intreat you to continue, in doing the King and me, all good Offices you can to his Majesty. You have been an eye-witness of the miserable estate our Countreys are in; I intreat you therefore to sollicite his Majesty for our help, you having given me an assurance of your affection. I intreat you now to shew it in helping of us by your good endeavors to his Majesty, and you shall ever binde me to continue as I am already

F

Your very affectionate Friend

ELIZABETH.

Which

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Which Letters were seconded with others about the same time, both from the King of *Bohemia* and Council of *Heidelburgh*, to the same effect: And how much satisfaction his late Majesty received in that behalf, and touching that business, will plainly appear several ways, and particularly by his Speech in Parliament. And the said Earl likewise appealeth to both Houses of Parliament, to whom by his late Majesties Order, he gave a just and true accompt of that employment, with what true zeal he proceeded; and how he pressed, that single Treaty and Promises no longer be relied on, but that a fitting preparation for War might go along hand in hand with any Treaty of Accommodation. And for a conclusion, among many of his late Majesties approbations of his carriage in this employment, he humbly desireth that a Letter of the Duke of *Buckingham* under his own hand, bearing date the Eleventh of *October, 1621.* may be produced, being as followeth.

My Lord,

I Am exceeding glad that your Lordship hath carried your self so well in this employment, that his Majesty is infinitely pleased for your Service you have done; for which he commanded me to give your Lordship thanks in his Name, until he see you himself. You of all men have cause to commend his Majesties choice of such a man, that unless your heart had gone with the business, you could never have brought it to so good a pass. Amongst other things, his Majesty liketh very well the care of clearing his Honor, whereof he will advise further with your Lordship at your next coming over. I hope you will not finde your Negotiation with the Infanta of such difficulty as you seem to fear in your Letter, seeing my Brother Edward hath brought with him a Letter from his Majesties Son in Law, whereby he putteth himself solely to his Majesties advice and pleasure for his Submission, as you will perceive by the Copy of the Letter it self, which I here send your Lordship; wherein though there be many things impertinent, yet of that point you may make good use for the accomplishment of the business, wherein I have written to the Spanish Ambassador to use his Means and Credit likewise; which I assure my self he will effectually do, especially seeing the impediments are taken away by Count Mansfields Composition, and the Conformity of his Majesties Son in Law to this Submission. For the Money your Lordship hath so seasonably laid forth, his Majesty will see you shall sustain no loss, holding it very unconscionable you should suffer by the care of his Service; which you have shewed so much to his contentment, to the great joy of your Lordships faithful Servant.

Geo. Buckingham.

His Service to
the Palatinate
before his
Ambashe to
the Emperor.

Having given this Accompt of his employment with the Emperor, he humbly craveth leave to make it known in what sort before this his employment he endeavored to serve the Prince *Palatine* and his Cause, which will best appear by his Majesties own Testimony, upon the going of Sir *Francis Nethersole* to the Prince *Palatine*; at which time his Majesty being out of his Royal and just heart, desirous to do a faithful Servant right, commanded Sir *Francis Nethersole* to let the Prince *Palatine* understand how good a Servant the said Earl had been unto him, and how active

Active in his Affairs, as will best appear by a Dispatch of Sir Francis Nethersole, written all with his own hand to Sir George Calvert, dated in Prague August 11. 1620, and sent by his late Majesty to the said Earl for his comfort, being as followeth.

2 Caroli.

Right Honorable,

A

That you may be the better assured, that I have neither forgotten nor neglected the Commandments received from his Majesty by your Honor; you will be pleased to have the patience to hear me report what I said to this King upon the delivery of my Lord Deputies Letters to his Majesty; which was, That the King my Master, whose Justice is so renowned over the World, did use to shew it in nothing more then in vindicating his Servants from wrongfull Opinions, whereof he knew noble hearts more sensible then of Injuries done to their Persons or Fortunes; That out of his Royal Disposition his Majesty having found my Lord Digby mistaken by some of his own people at home, by occasion of his being by him employed in the Affairs with Spain, having thereupon conceived a jealousy that the same noble Lord might be also misrepresented, hitherto his Majesties hands in that respect gave me a particular commandment to assure his Majesty, he had not a more truly affectionate Servant in England: And for proof thereof, to let his Majesty understand, That whereas the Baron of Doncaster, now his Majesties Ambassador for England, had since his coming hither obtained but three great Boons for his Majesties service; viz. The Loan of Money from the King of Denmark, the Contribution in England of the City and Countries, and the sending Ambassadors to the contrary parties, that my Lord Digby had been the first propounder of all those to the King my Master, before his Majesties Ambassador, or any other of his servants in England; although his Lordship were contented that others who were but set on should carry away the thanks and prayers, because his Lordship being known to be the first mover therein might possibly weaken the credit he hath in Spain, and to render himself the more valuable to serve both his own Master and his Majesty; in which respect I humbly prayed his Majesty to keep this to himself.

B

C

D

E

By which testimony it may appear, as the said Earl conceiveth, how he the said Earl bestowed himself before his Ambassage, and in his said Ambassage with his said late Majesties approbation thereof. Now he humbly craveth leave to give your Lordships accompt how he proceeded after his return from the Emperors Court.

F

As soon as he came into England, he discovered unto his Majesty and the Lords of the Council, in what great wants he had left the Forces in the Palatinate, and solicited the present sending away of money; thereupon Thirty thousand pound was borrowed of Sir Peter Vanlore, Sir Baptist Hicks, and Sir William Cortine, and presently sent unto the Palatinate, besides the Ten thousand pounds which he lent for which he paid the interest out of his Purse for six moneths, having also given not long before Five hundred pounds by way of benevolence to the service of the said Palatinate.

Now in the interim betwixt his return from the English Coasts, which was in November 1621, and his going into Spain in May 1622, he first

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gave his Accompt as aforesaid of his Ambassage to both Houses of Parliament, and moved them as effectually as was possible for the supplying of his Majesty, and that the money might wholly be imployed for the Succor of the *Palatinate*.

The Parliament being dissolved, he solicited with great care and industry the settling of some Course for the supplying of the *Palatinate*, and his Majesty was perswaded to maintain Eight thousand Foot and Sixteen hundred Horse under his own Standard, and at his own purse in the *Palatinate*, to establish a certain course for due payment of the said Army: The Lord *Chichester* was upon the said Earls motion sent for out of *Ireland*, and the said Earl by his Majesties command took order for his Dispatch. In this estate the said Earl left his Affairs at his departure towards *Spain* in May 1622, nothing doubting but that all things would have effectually and constantly been pursued, according to the order which was settled and resolved on at his departure.

His arrival in
Spain and be-
havior there.

At his arrival at the Court of *Spain* he presently proceeded according to his Instructions, pressing the business of the *Palatinate* as effectually as he could, and faithfully labored and effected from time to time (as far as to the point of Negotiation) all particulars that were given him in charge, as it will appear by his late Majesties Letters upon every particular occasion; and it by the accidents of War for that Summer, the Marquess of *Baden*, the Count *Mansfield*, and the Duke of *Brunswick* received each of them an overthrow, (the ordering of whose Affairs his Majesty so far complained of to his Son-in-law, as to give order for the withdrawing of his Forces, as will appear by his Majesties Letters on the third of *June* 1622, and also by his Letters unto Sir *Horace Vere*, and the Lord of *Chichester* of the same date, if there were not a speedy redress) if by any of those accidents those businesses have miscarried, the said Earl hopes he shall not be liable to the blame, it having no relation to him, or to his imployment, having so far and so honestly with his best affections imployed his care and utmost services in the businesses, as his Majesty was pleased by many several Letters upon several Actions to signify his gracious acceptance of his service, as in his Letters of *November* 24. 1622. written as followeth; *Viz.*

Your Dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to enlarge any further, but onely tell you, we are well pleased with this diligent and discreet imployment of your endeavors, and all that concerneth our service; so are we likewise with the whole proceedings of our Ambassador Sir Walter Aston. Thus we bid you heartily farewell.

Newmarket, Novemb. 24. 1622.

And afterwards his Majesty was likewise pleased in his Letters of 8 *January* 1622. a little before our gracious Sovereign Lord the King, then Prince, his coming into *Spain*; *Viz.* as followeth.

Concerning that knotty and unfortunate Affair of the Palatinate, to say the truth, as things stand, I know not what you could have done more then you have done already.

And whereas it is objected, the *Palatinate* should be lost by the hopes he the said Earl gave by his Letters out of *Spain*, it is an Objection of impossibility; for there was nothing left but *Mainheim* and *Frankendale* when his first

first Letters out of *Spain* could possibly come to his late Majesties hands ; for he did not begin to Negotiate that business until *August* 1622. and about that time *Heidelberg*, and all but *Mainheim* and *Frankendale* was lost; and *Mainheim* he had saved by his industry, had it not been so suddenly delivered, as is by his Majesty acknowledged by Letters of 24 November 1622. written thus ; *Viz.*

A And howsoever the Order given to the *Infanta* for the relief of *Mainheim* arrived too late, and after the Town was yielded to *Tilly* ; yet must we acknowledge it to be a good effect of your Negotiation, and an Argument of that Kings sincere and sound intention.

B And *Frankendale* being by the said Earls means once saved, was again the second time saved meerly by the said Earls industry ; and procuring a Letter from the King of *Spain*, dated the second of *February* 1623. whereupon followed the Treaty of Sequestration, which hath since continued. And he the said Earl was so far from hindring Succors by any Letter or Counsel of his, that he was the Sollicitor, and in great part the procurer of most of the Succors that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and the Duke of *Buckingham* arrived at the Court of *Spain*, they found the Business of the *Palatinate* in so fair a way, that the Spanish Ministers told them, the King should give his late Majesty a Blank, in which we might frame our own Conditions ; and the same he confirmeth unto us now ; and the like touching this Blank was likewise acknowledged by the Duke of *Buckingham* in his Speech in Parliament, after the return of his Majesty out of *Spain*. And it will appear by the Testimony of Sir *Walter Aston*, and by his and the said Earls Dispatches, that the said Earl wanted not industry, and zeal in the business ; insomuch as the last Answer the said Earl procured herein from the King of *Spain*, was fuller then he the said Earl was ordered by his late Majesties latest Letters to insist upon. So as by that which hath been alledged, the said Earl hopeth your Lordships will be satisfied, not onely that he wanted neither will nor industry, but that he hath with all true zeal and affection, and with his own means faithfully served their Majesties, and the Prince *Palatine* in this Cause : And for assurance in that Affair, he had all that could be between Christian Princes ; and if in the said Assurances there hath been any deceit, as by the said Article is intimated, which he never knew nor believed, he referred it to God to punish their wickedness : For betwixt Princes there can be no greater Tye then their Words, their Hands, and Seals, all which he procured in that behalf ; and both the said Earl and Sir *Walter Aston* were so confident that the business would be ended to his late Majesties satisfaction, that in a joynt Dispatch to his late Majesty of 24 November 1623. after his now Majesties return into *England*, they wrote as followeth ; *Viz.*

F We hope that your Majesty may, according to your desire signified to me the Earl of *Bristol* by the Letters of October 8, give to your Majesties Royal Daughter this Christmas the comfortable news of the near expiring of her great troubles and sufferings, as unto the Prince your Son the congratulation of being arrived to a most excellent Princess.

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His carriage
concerning
the Match.

And having thus given your Lordships an Account of his Proceedings touching the *Palatinate*, he will by your Lordships good favors proceed to the other part of that Charge concerning the Marriage.

And first touching his hopes and assurances that he is charged to have given to his late Majesty and Ministers of State here in *England*, of the *Spaniards* real proceedings in the said Match, when he said he knew they never meant it: He saith, he never gave any hopes of their real proceedings, but such, and the very same that were first given to him, without adding or diminishing; neither could he have done otherwise either with honesty or safety. And he further saith, That the hopes he gave were not upon any Intelligence; but as well in that of the *Match*, as the other of the *Palatinate*, his Advertisements were grounded upon all the Assurances both of Words and Writing, that could possibly pass between Christians; as will be made evidently appear by his Dispatch of 9 September 1623; which he humbly desires may be read, if the length of it may not displease. The substance being to shew all the Engagements and Promises of the King of *Spain*, that he really intended the Match. And the causes why the *Conde Olivares* pretended to the Duke of *Buckingham*, that the Match was not formerly meant, was onely thereby to free himself from Treating any longer with the said Earl, to the end that he might treat for larger Conditions in point of Religion with the said Duke: The said *Conde Olivares* taking advantage of having the Person of his Majesty, then Prince, in his hands. And with this Dispatch the said Earl acquainted his Majesty that now is, in *Spain* before he sent it.

And by this Dispatch the Earl doubteth not but that it will appear to this Honorable Court, that whilest the Treating of this business was in hand, he proceeded in that, not onely with care and industry, but with some measure of vigilancy. And for clearing an Objection that hath been alleadged, that the Match was never meant before the Dukes coming into *Spain*, nor after; the Earl craveth leave to set down some few Reasons of many, which caused him to believe that the said Match was, and had been really meant, and that it was so conceived by both their Majesties, and the King of *Spain*, and their Ministers on both sides.

For first, The Duke of *Buckingham* certified his late Majesty, that the business of the Marriage was brought to a happy Conclusion; whereupon his late Majesty was pleased to give order to the Duke and Earl to proceed in the Business, which his said Majesty would not have Treated till the said Marriage was concluded, as will appear by a Letter of his said late Majesty joyntly to the Duke of *Buckingham* and the said Earl, of the 23 July, 1623.

Secondly, It will appear by Letters of the said Lord *Conway* to the Duke of *Buckingham*, bearing date September 4. 1623. That the said Duke had good assurance of the Conclusion of the said Match; and upon this confidence were all things put in due execution in *England*, as had been Capitulated; And the Lord *Conway* and others faithfully agreed, and settled all the Points of Immunity and Liberty for the Roman Catholicks, for the use of their Religion, as was set down in the Declaration, August 9. 1623. hereafter mentioned in the Answers to the Fifth Article of this Charge.

Thirdly, the very day his now Majesty and the Duke of *Buckingham* departed from the *Escorial* in *Spain* towards *England*, the said Duke solemnly

Means to shew
that the Match
was intended
by the Spaniard.

solemnly swore the Treaty of the said Marriage, and the furtherance of it all that should be in his power, upon the holy Evangelists, in the presence of the said Earl and Sir *Walter Aston*.

A Fourthly, The Treaty of the said Marriage had been formerly signed, sealed, and solemnly sworne by the King of *Spain*: And when his Majesty and that King took their leaves, he did solemnly in the words of a King faithfully and punctually protest to perform all that had been capitulated in the Treaty of Marriage; and thereupon imbraced his Majesty at his departure, and sent the very next day a Letter written all with his own hand to his Majesty, vowing and protesting to make all good that he had capitulated or promised unto his Majesty at his departure the day before. So that if there were no true meaning on the part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the Earl hath not been sleightly deceived; neither can it be, as he conceiveth, any fault in him, since not only his late Majesty, but also his Majesty that now is and the Duke of *Buckingham* being then both upon the place, did confidently believe, and that upon other grounds then misinformations, suggestions and persuasions of the said Earl, that the Marriage was really intended: And to that effect both his late Majesty of blessed memory, and his most Excellent Majesty that now is, after his return into *England*, wrote unto him the said Earl several Letters, assuring him that their intents and pleasures were to have the said Match proceeded in, and thereupon the Proxies of his Majesty then Prince were again inrolled and sent unto the said Earl. So that the said Earl having so many, and so great causes to be assured that the Match was really intended on both sides, he conceiveth it will be hard for Mr. Attorney to make good that part of his Charge, wherein he affirmeth that the Earl should know the contrary, or the Assurance to be upon false grounds, as in the said Article is alleadged.

D II. To the Second Article, He directly denieth all the supposed Offences wherewith he stands charged by the said Article. And for a clear declaration and manifestation of the truth and manner of his proceedings, He saith,

E First, as to the continuing the Treaties upon Generalities, That the Temporal Articles were by Agreements on both sides not to be treated or settled, until such time as the Articles of Religion were fully agreed on; For that it was held most proper and honorable for both sides, first to see if the Difficulty of Religion might be removed, before they passed to any further Engagements. And the said Articles of Religion, by reason of the Popes new Demands sent into *England* by Mr. *Gage*, were not signed nor condescended unto by his late Majesty, nor his Majesty that now is, then Prince, until Jan. 5. 1622. and were then sent away in Post out of *England* to the said Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain* about the 25. of the same moneth. But the Earls care was such to have no time spent in the settling of the Temporal Articles; that before he would condescend so much as *de bene esse* unto the Articles of Religion, that they should be sent back to *Rome*, he procured the King of *Spain* to promise, That within the time limited for procuring the *Desponsories*, which was by *March* or *April* following at the furthest, all the Temporal Articles should be settled and agreed, to the end that the *Infanta* might be delivered at the Spring; as by the King of *Spain* his Answer in writing, was declared to be the Kings intention, And accordingly

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cordingly Sir *Walter Aston* and the said Earl did not deal in general, but did most industriously labor to settle all in particular, viz. That the Portion should be Two Millions, it appearing that it was so agreed by the late King of *Spain*: That the Dispensation coming, the *Desponsories* should be within Forty days after; And that *Don Duarte de Portugal* should be the man that should attend the *Infanta* in the Journey. And all other Particulars necessary for the Conclusion of the said Treaties, were by Sir *Walter Aston* and the said Earl, and the Spanish Commissioners, drawn up into heads in writing, and after many Debates they were consulted with that King; and 2 Martii 1623. *stilo vet.* the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come home to the house of the said Earl, to signifie unto Sir *Walter Aston* and himself, as they did, That the King of *Spain* had declared his resolution in all the Particulars, and given them order to come to a speedy Conclusion with them in all things: And that Kings Answer to that Conclusion the Earl saw, and read all written with the King of *Spain's* own hand.

On the seventh day of the said moneth of *March* 1623. the Kings Majesty, then Prince, and the Duke of *Buckingham* arrived at *Madrid*; And then the *Spaniards* took new laws, and the Negotiation was put into a new form. So that whereas it is objected against the Earl, that he entertained and continued the Treaties so long upon Generalities; He conceives it is not meant upon the Spiritual Articles, for they were such as were sent from *Rome* into *England*, and from thence they came to the Earl: And for the Temporal Articles, they were not to be settled and treated, till the Articles of Religion were concluded. He conceiveth it cannot be alleadged with any colour, that his Majesty was entertained with Generalities, since the time that the said Articles of Religion were brought unto the said Earl by Mr. *Simon Digby*, being about the 25. of *January*. There were but six weeks until *March* 7. following, when his Majesty then Prince arrived in *Madrid*; and in the interim all the above-mentioned Particulars were settled: And the time that hath been spent in this Treaty hath not been through his the said Earls default in continuing upon Generalities without pressing to Particulars, but hath been caused as well by Difficulties which the business brought with it, as also with exterior Accidents, viz. The Wars of *Bohemia*, the death of two Popes and of the late King of *Spain*, without the least fault of the said Earl, as is acknowledged by his late Majesty of blessed memory, in the said Earl his Instructions on the 14. of *March* 1621.

Bristol not the cause of the Delays in *Spain*.

Neither could any delay herein be attributed unto him the said Earl; For he was employed in those times into *Germany* and *Flanders*, and Sir *Walter Aston* and Sir *Francis Cottington* for the space of three or four years were resident in *Spain*; from whence the hopes they gave were upon all the discreet grounds that Ministers can expect from a State: But the Earl reassumed this business six moneths before his Majesties coming into *Spain*; and he was so desirous to see his Majesty then Prince bestowed, that he pressed nothing so much both to the King and Prince, as that the Prince might lose no more time, and rather to break the Match with *Spain* then suffer any further delays; as will appear by his Dispatches from his first arrival at the Court of *Spain*, until his Majesties then Prince his coming. For in his Letters of *June* 20. 1622. being the first he wrote after his first Audience, he was so desirous that no time might be lost, that in them he craveth leave of his Majesty, that in case he should find any Delays

Delays in Spain, he might without expecting any Order take his leave and come home.

Upon the return of Sir Francis Cottington, in September following, he wrote both to the King, and his Majesty then Prince. To the King as followeth.

A I shall presume to add to that which Mr. Cottington shall deliver unto your Majesty by word of mouth of the present estate of the Match, what I conceive to be the right way to bring it to a speedy issue: That your Majesty will be pleased positively to declare what you will do in point of Religion, and that you will appoint me a certain limited time by which this King should procure the Dispensation, or conclude the Match without it; And in case there shall be any further delay therein, that I may then declare your Majesty to be free and disengaged, to bestow the Prince in such sort as you shall judge most convenient.

B And to the Prince at the same wrote in these subsequent words, viz.

C That which will be necessary for his Majesty presently to do on his Majesties part, is to declare himself how far he will be pleased to yield in point of Religion, as Mr. Cottington will approve unto your Highness: And that he set a prefixed time to break or conclude the Match, either with the Dispensation, or without the same. For the rest, it may be left to my Negotiation: But your Highness may be pleased to hasten his Majesties resolution with all possible speed.

D And the said Earl saith, That having received from his said late Majesty his resolution in point of Religion, and a limited time according to his desire, he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one moneths respite longer time for the procuring of the Dispensation, until he had first acquainted his late Majesty therein, and received his Directions under his own hand; as will appear by his Majesties Letters of Octob. 25. 1622. as followeth.

E Right Trusty and welbeloved Cousin and Counsellor, We greet you heartily well. Whereas by your last Letter written to our Secretary, dated Sept. 29. you are desirous to have our pleasure signified unto you under our own hand, Whether we will be content or not to grant a Moneths time longer for the coming of the Dispensation from Rome, then we have already limited unto you, in case they shall there conclude all things else to our contentment, with a Resolution to send the Infanta hither the next Spring: We do hereby declare unto you, that in that case you shall not break with them for a Moneths longer delay. We also wish you not to trouble your self with the rash Censure of other men, in case your business should not succeed; resting in that full assurance of our Justice and Wisdom, that we will never judge a good and faithful Servant by the effect of things so contingent and variable. And with this assurance we bid you heartily farewell.

F And he further saith, That when he had agreed to the Articles of Religion, and that a certain time was set for the coming of the Dispensation, and a Conclusion of the Match, although he would bind himself to nothing without his Majesties approbation, yet for that no time might be

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be lost, he agreed to the Propositions *De bene esse*, sent by Mr. Porter Decemb. 10. 1622. to the end the Articles might immediately be sent to Rome, without losing so much time as to hear first from England: And humbly moved, that in case his Majesty should like of the said Articles, he would send his Approbation directly to Rome for the gaining of time; which his Majesty was pleased to do. And at the same time he wrote both to his said late Majesty, and his Majesty then Prince, as followeth, viz. To his Majesty.

This is the true state of the business as it now standeth. If your Majesty approve of what is done, I hope it will be a happy and a short Conclusion: If your Majesty think it not fit to allow and condescend to the said Articles, I have done the uttermost of my endeavors, and shall humbly perswade your Majesty not to lose a day longer in the Treaty, so much it importeth your Majesty and your Kingdoms, that the Prince were bestowed.

And to the Prince in Letters of the like date in this sort.

I have presumed to write to his Majesty, that which I think my duty to say to your Highness; That in case you shall not approve of what is now conditionally agreed, you permit not a day more to be lost in this Treaty: For it is of so great consequence that your Highness were bestowed, that it importeth almost as much that you were speedily, as fitly matched. But I hope his Majesty and your Highness will in such sort approve of this last Agreement, as you will speedily bring this long Treaty to a happy conclusion. I am out of hope of bringing things to any better terms: therefore I deal clearly with your Highness, and do not only most humbly perswade, but on my knees beg it of you, that you either resolve to conclude this Match as you may, or speedily to break it and bestow your self elsewhere; for no less then the happiness of your Kingdom, and the security of the King your Father and your self depend upon it.

All which things being considered, the Earl most humbly submitteth himself to the Judgment of that most high and honorable Court, whether the Delays which accidents have brought forth in this business can be attributed to his fault; since on the one side it will evidently appear to your Lordships, that he never moved his Majesty and the Prince to admit of delays, but rather to think of some other course; and it will on the other side appear by all the Dispatches, that he pressed things with the Ministers of Spain to as speedy a conclusion, as the uttermost terms of fair Negotiation and good manners would bear. And whereas it is pretended that the Spaniards should take occasion by entertaining the said Treaties to abuse his said late Majesty, (which he knoweth not) yet he saith he used all the vigilance and industry that a careful Minister could do, and had from the Spaniards all the assurances by oaths, words and writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late Majesty; and his said late Majesty was pleased in those times to conceive upon those assurances, that they dealt really with him: And he conceiveth that his Majesty that now is, then Prince, and the Duke of Buckingham were pleased to write as much to the late Kings Majesty at their first coming into Spain, and that all which the said Earl had written touching that imploiment was there avowed by the Conde Olivarez and Conde Gondomar to the said Prince and Duke, at their arrival at Madrid; and he hopeth that if that Dispatch may be perused, it will as well appear and be adjudged that he served his Majesty with some measure of vigilance, as well asfulness of fidelity.

II. To

III. To the Third Article the said Earl saith, That he did not either by words or by Letters to his late Majesty or his Ministers, extol, or magnifie the greatness and power of the King of *Spain*, nor represented to his late Majesty the supposed dangers that might ensue unto him, if a War should happen between him and the King of *Spain*, nor affirmed nor insinuated the same, as in the said Article is mentioned; but if he did at any time speak or write of the power and greatness of the King of *Spain*, or represented any danger to his said late Majesty that might enlue by entring into Hostility with the said King of *Spain*, it was as a faithful Counsellor and Servant to his Majesty by way of his advice and opinion, which he ever delivered sincerely, faithfully, and truly, according to the present occasion, and in no wise with such an intent as in the said Article is mentioned, nor to any other evil intent and purpose whatsoever.

But he hath been so far from dissuading his late Majesty to take Arms, that he hath upon all just occasions advised, that all fitting preparations for War might be made, as beginning with the year 1621. from which time he is onely charged, will appear by his Speech in Parliament presently after his return out of *Germany*; and that he hoped his Majesty would no longer relie upon single Treaties, but make all fitting preparations for War; and that the Parliament would enable his Majesty thereunto; and by the care he took before his going again upon his Ambassage into *Spain*, that the establishment of an Army under his Majesties own Standard, of Horse and Foot, and under his own pay, might be settled and provided for; as likewise his advice to the Lords of the Council, that his Majesty might have a curb upon the King of *Spain* upon all occasions, by continuing of Sir *Robert Mansfields* Fleet upon the Coasts of *Spain*, as will appear by his Letter written from *Vienna*, 26 July, 1621. mentioned in the Answer to the first Article. By all which it appeareth, That he labored and endeavored as much as in him lay, that his Majesty might be well prepared for any occasions of War that should happen. And he no way remembreth to have discouraged, or to have spoken or written any thing that might have been understood to have tended to the discouraging of his said late Majesty for the taking of Arms, and entring into hostility with *Spain*, or for resisting of him and his Forces, from attempting the Invasions of his late Majesties Dominions, or the Dominions of his late Majesties Confederates, Friends, or Allies, as by the said Article is charged against him; neither remembreth that he had any cause so to do. But if he have in any kinde spoken or written of *Spain*, or the power thereof, it may have been to his late Majesty, or his Majesty that now is, by way of discourse, speaking of the solidnes of the Spanish proceedings, of their serious and deliberate debating of business before they resolve on them, of the constant pursuing of them when they are once resolved, wishing that *England* and other Nations would therein imitate them: For he supposeth the right way to impeach their greatness, was to grow as wise as they, and to beat them at their own Weapons. But otherwise he is confident never to have been heard to speak or write any thing that might give any terror or discouragement, to his late Majesty or his cheif Ministers, knowing that *England* well-ordered, need to take little terror at the power of *Spain*, having almost in all attempts and enterprises won honor upon them. And as for the preventing of dangers that might ensue upon a War, though he knew not what is

He never dissuaded the King to take Arms.

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aimed at in that particular; yet he is most confident out of the Integrity of his own Conscience, That he neither said, nor advised any thing but what befitted a faithful Counsellor and an Ambassador, which was truly to deliver his opinion as he understood it upon the present occasion: And as for affirming that his Majesties quiet should be disturbed, and he not to be permitted to Hawk or to Hunt, he remembreth not what discourse he may have had, or written to any person, how fit it might be upon the being broiled in a great War, seriously to intend it, and to make it our whole work. But as he is confident it will appear, that what discourse soever it might have been, it wanted not true zeal and affection which he hath ever borne to the Kings service. And he hopeth it will not be found to want due respect and reverence on his part, which he ought to shew to so gracious a Master. Neither can it be conceived, that the considerations of Hunting and Fowling, should be considerations worthy so great and prudent a King, to withhold from a War for the good of Christendom, and his Kingdom, if he should have been justly provoked thereunto.

IV. To the Fourth Article the said Earl saith, That he did not any thing contrary to his duty and alleagiance, or contrary to the faith and duty of an Ambassador, as by this Article is alleaged, but did intend the service and honor of his late Majesty, and no corrupt and sinister ends of his own advancement, as by this Article is also alleaged. And as for the Conferences which is pretended he should hold concerning the Treaty, That being told there was little probability that the said Treaties would or could have good success, he should acknowledge as much; and yet said, he cared not what the success thereof might be, but that he would take care to have his Instructions perfect, and to pursue them punctually, and would make his Fortune thereby, or words to that effect; he doth not ever remember to have held such discourse. Though it be true, the time hath been many years since, when he thought the Match very unlike to be effected, in regard unequal Answers were given in Prince *Henries* days, and of the unlikelihood of accommodating the differences of Religion. And saith further, That the reviving of the Treaty of the said Match for his Majesty that now is, was not by his means, for he ever declared his opinion clearly, both to his late Majesty and to his Majesty that now is, That in the first place he wished and advised a Protestant Match, but in the duty of a Servant understanding that both their Majesties desired the Match really with *Spain*, he did really and faithfully intend the service and honor of their Majesties, and effectually endeavored to procure their ends. And it is very likely he might say, he would get his Instructions perfect, and pursue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this Conference, that he should say he would make his fortune by it, or any other words to that effect; he was in *Anno* 1621. and ever since of that rank and quality, both in regard of his Employments, Fortunes, and his Majesties favors, that he assureth himself he did not, and dares Answer so far for his discretion, That it was impossible for him to hold so mean and unworthy discourse.

V. To the Fifth Article he saith, That what is therein alleaged, is so far from being so, that contrarily upon all occasions to the uttermost of his power, he did labor to prevent all the inconveniences in point of Religion that might come by matching with a Princess of a different Religion,

He advised
both King
and Prince to
a Protestant
Match.

He never moved his Majesty to set Priests at liberty.

ligion, as well appeareth by the Paper of his opinion, that his Majesty should marry with a Lady of his own Religion, hereafter mentioned in his Answer to the Seventh Article. And for further proof thereof, he saith, That in the whole Treaty with *Spain* he stood more strict in points of Religion, then by his Instructions he needed to have done, as will appear by the Testimony of Sir *Walter Aston*, and his Dispatches of the Twelfth of *December*, 1622. and other Dispatches, which he desireth may be read. And as for concealing or perswading to set at liberty the Priests or Jesuits, he utterly denieth to have done any such thing, as before he hath answered. Although it be true, that the Ambassage in *Spain* be far different from the employment in other places, where there is a Body of our Reformed Religion, and whereby his Majesty hath Kinred and Allies; whereby his Majesties Ministers may be informed of the necessary Occurrents of State, without the helps of Priests or Jesuites. But in *Spain* there being none but *Roman* Catholicks, nor any manner of correspondency or intelligence but by them, the Ambassadors must make use of all sorts of people, especially of Jesuites and Priests, and to that end Ambassadors sent thither have a large and particular Warrant under the Kings hand, to treat, and make use of Priests and Jesuites, and all other sorts of men, unless it be such as are proclaimed Rebels: And divers times the Ministers employed in *Spain*, to gratifie some whom there they employed for the Kings service, have as he believeth, at their particular Suit moved his Majesty to extend Grace and Favor to some particular Friend, and Kinsman of his, being a *Roman* Catholick, and imprisoned in *England*; and that he remembreth to have hapned to others, but doth not remember himself to have written to his late Majesty in that kinde: And as concerning his advice and counsel, to set at liberty Jesuites and Priests, and the granting to the Papists a Toleration, or the silencing of the Laws against them, he saith, that his late Majesty was engaged by the Treaty of *Madrid*, 1617. in divers matters concerning Religion; likewise by promise to *Conde Gondomar*, and his Letters to the King of *Spain*, 17 April, 1620. wherein he is pleased to promise some particulars in favor of *Roman* Catholicks, as by the said Letters will appear: And notwithstanding the said Earl had sufficient Warrant under the Kings own hand, to assure the King of *Spain* whatsoever was agreed in the said Article, or in the said Letters, his Majesty would sincerely perform; yet the said Earl was so cautious in that point, that when for the conclusion of the Match the other Articles of Religion being allowed, it was pressed by the Spanish Ministers, that a Clause of Convenience might be inserted with Protestation, That the form and way thereof should be wholly left to his Majesties wisdom and clemency, and that his Majesties *Roman* Catholick-Subjects should acknowledge this Grace to have come from the Kings Majesties mercy and goodness: Yet the said Earl would not condescend hereunto *De bene esse*, as by his Letters to Master Secretary *Calvert*, 8 October, 1622. will appear, hereby to give his Majesty time to have recourse unto his second Consultation, and to take it into consideration before he would engage or binde himself in this point: But his late Majesty and his Majesty that now is, were pleased to condescend hereunto by signing the said Articles with their own hands; and likewise by writing their private Letters of the Eight of *January*, 1622. to that effect to the King of *Spain*, as by the said Letters will appear. Neither did the said Earl by Letters, or otherwise, ever counsel or perswade his late Majesty, to grant or allow unto the Papists or Pro-

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Salisbury, 7 August. 1623.

The Declaration touching the Pardons, Suspensions, and Dispensations of the *Roman* Catholicks.

A Declaration
signed by my
Lord *Conway*
in behalf of
Roman Catho-
licks.

FOR the satisfaction of their Excellencies, the Marquess of Ynojosa, and Don Carlos de Colonia, the Lord Ambassadors for the King of Spain; and to the end it may appear that his Majesty of Great Britain will presently and really put in execution the Grace promised and intended to the *Roman* Catholicks his Majesties Subjects, and of his own Grace more then he is tyed to by the Articles of Treaty of Marriage.

We do declare in his Majesties Name, That his Majesties will and pleasure is, that a Legal and Authentical Pardon shall be passed under the Great Seal, wherein shall be freely pardoned all those Penalties, Forfeitures, and Seizures, Indictments, Convictments, and Incumbrances whatsoever, whereunto the *Roman* Catholicks are liable or have been proceeded against, or might be, as well Priests, as others, for matters of Conscience onely, and to which the rest of his Majesties Subjects are not liable. And to the end his Majesty may make himself clearly understood, where it shall happen that any of those forfeitures and Pecuniary Buzas have been given away under his Majesties Great Seal, his Majesty will not hide that it is not in his power so to make void those Letters Patents, except they be voidable by Law; and then his Majesty is well pleased that all *Roman* Catholicks may in these Cases plead in Law, if they finde it good, and shall have equal and legal Tryal. And his Majesty is likewise pleased that his General Pardon shall remain in being five years, to the end, all that will may in that time take it out; and his Majesty will give order for the comfort of the poorer sort, that the Pardon shall not be costly, but such-like course shall be taken as was in a like occasion at his Majesties coming into England; and that it shall be lawful to put as many as can be possible into one Pardon.

And we do further Declare, That his Majesties will and pleasure is, to the end the *Roman* Catholicks his Majesties Subjects, may have a present and a free fruition of as much as is intended

tended them by the Articles of Treaty of Marriage, to cause a present Suspension under his Majesties Seal of all those Penal Laws, Charges, and forfeitures, whereunto the Roman Catholick Subjects of his Majesty have heretofore been subject, and to which the rest of his Majesties Subjects have not been liable; and in the same Grant and under the same Seal, to give a Dispensation and Toleration to all the Roman Catholicks his Majesties Subjects, as well Priests, as Temporal persons and others, of and from all the Penalties, Forfeitures, Troubles, and Incumbrances, which they have been or may be subject to, by reason of any Statute or Law whatsoever, to the observation whereof, the rest of his Majesties Subjects are not bound. We do likewise declare, That his Majesty hath promised in his Royal Word, that the execution shall be no ways burthensome or penal to the Roman Catholicks, but that for the manner of privileging, and freeing them from that, he must confer with Bishops and Advocates, into which he will presently enter and expedite by all means. And we do further declare, That his Majesties intention is presently to pursue his former Directions (which had been before executed, if their Excellencies had so thought good) to put under his Seal liberally the said Pardon, and Suspension, and Dispensation; and that his Majesties Attorney, and learned Council shall have referred to them the charge to pen them with all those effectual words, clauses, expelsions, and reservations, which may presently give fruition to the Roman Catholicks his Majesties Subjects, and make them inviolable in the fruition of all that is intended and promised by his Majesty in the Articles of Marriage, and his Majesties further Grace.

And we do declare, That his Majesties further will and pleasure is, for the better satisfaction and discharge of the care and endeavor of their Excellencies the Ambassadors, that it shall be lawful to them to assign a discreet person to entertain such sufficient Lawyers as shall be thought fit to take care to the strength, validity, and security of the said Grants; and his Majesties Attorney shall have charge to receive and admit the said Lawyers to the sight and judgment of the said Draughts, and in any doubts to give them satisfaction, or to use such legal, necessary, and pertinent words and phrases, as he the said Lawyer shall propound for the security of the Roman Catholicks, and sure making of the said Grants.

And we do further declare, That his Majesties pleasure is, to make a Dispatch into Ireland unto his Deputy there, by the hands of the Lord Treasurer and Secretary of State, Sir George Calvert, for the present confirming and sealing the things concerning the Roman Catholicks answerable to the Articles of Treaty, his Royal Promise and Proceedings here. And for Scotland, That his Majesty according to the constitution of his Affaires there, and regard to the Publick good, and peace of that Kingdom, and as soon as possible, will do all that shall be convenient for the accomplishment of his Promise in Grace and Favor of the Roman Catholicks his Subjects, conformable to the Articles of Treaty of Marriage.

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But this Declaration, the said Earl saith and affirmeth was the effect of the Duke of *Buckingham's* Negotiation, and treated and concluded by the Lord *Conway* with the Spanish Ambassador here, whilst the Prince was in *Spain*; neither was his privity or advice in it: For if he had known it, he should have protested against it. All which, together with the difference betwixt the Conditions of Religion agreed at the Treaty of *Madrid*, 12 *December*, 1622. by the said Earl, and the said Sir *Walter Aston*, being by their Lordships considered, the said Earl doubteth not but it will manifestly appear whose endeavor it was to advance the Romish Religion, and the Professors thereof; and judge the said Earl most unfortunate to be charged with an Article of this kinde.

VI. To the Sixth Article the Earl saith, That the Assurances which he gave his late Majesty, and his Majesty that now is, concerning the Treaties, were such, That it had been dishonesty and breach of his duty and trust, for him to have held them back, being the same that were given him by the Emperor, and the King of *Spain*, and their Ministers, upon as great Assurances as can pass between Ministers of Princes in the like case. And for the Delays of *Spain*, they could be never so ill, and with so little colour complained of, as at the time of his Majesties coming thither; for that a certain time was before then prefixed for the coming of the Dispensation, viz. in *April*, 1623. at the furthest, which was the next moneth after the Princes arrival at *Madrid*; the *Desponsories* were to be within four days following, and the *Infanta* to begin her journey into *England* twenty days after: So as three moneths patience longer would have shewed the issue of the business without putting of the person of the Prince, being Heir-Apparant to the Crown, in so eminent a hazard for the trying of an experiment. And it is an argument of great suspicion, because the *Spaniards* were suspected to have dealt falsely, and so the less to be trusted with the person of the Prince, to be put into their hands to try conclusions: But the truth is, though that were made the pretended ground, and the occasion of the journey, it was neither the Assurances of the said Earl, nor the Jealousies of *Spain*, but other Motives that were the original cause of his Majesties said journey, as shall be sufficiently made apparent in due time. And the said Earl having got an inkling of it by something that was let fall from the *Conde Gondomar* to that purpose, instantly dispatched away Mr. *Grisley* to his late Majesty to have this journey prevented; who upon the Confines of *France*, met with his Majesty and the Duke of *Buckingham* on his journey towards *Spain*, and told them as much. So that although he confesseth what is laid in the Charge to be true, viz. That by the said journey, the person of the Prince, the peace and safety of the Kingdom did undergo further danger (at the remembrance thereof the hearts of all good Subjects do tremble) yet the blame is due to the Authors and Advisers of the same journey, and not to the said Earl: And although it pleased God, to the exceeding great joy and comfort of the said Earl, and of all good men, to send his gracious Majesty home with safety; yet never was the person of any Prince, upon such grounds, exposed to so great an hazard, and in such Cases; not the Success but the Counsellors, are considerable.

VII. To the Seventh Article the said Earl saith, That he did not move

move or perswade his Majesty, then Prince, to change his Religion, neither in the manner in the said Article mentioned, nor in any other manner whatsoever: Neither doth he conceive, that the charge in it self as it is laid, will in any reasonable construction bear any such inference as is made therein; so as he conceiveth he needeth not make any further or other Answer thereunto. Yet that it may appear that the manner he used to the said Prince, was not traiterously, falsely, or cunningly, nor without ground, or to any such intent as in the said Article is supposed. And to manifest unto this most high and honorable Court, how far he was from all such intention, he saith, That he doth acknowledge that within few days after his Majesties coming into *Spain*, whilst he had that great honor to have his Majesty lodged in his House, and to have so Royal a Guest, finding by the Spanish Ministers, That there was a general opinion, that his Majesties coming thither was with an intention to become a *Roman* Catholick; and the *Conde Gondomar* having that very morning pressed the Earl not to hinder so pious a work (as he termed it) of his Majesties Conversion, and seeming to be assured of the Duke of *Buckingham*s assistance therein, his Majesty being all alone in a withdrawing Room in the said Earl his House, the said Earl kneeled unto him, and told him, That he had a business to impart unto him, which highly imported his Majesty to know, so that he might be assured his boldness therein might be pardoned; which his Majesty graciously promised. And thereupon the said Earl told his Majesty, That the general opinion of that Court was, that his Majesties coming into *Spain*, was with an intention to be a *Roman* Catholick, and there to declare it. And he confesseth, That at the same time in regard of those things he had heard, he humbly besought his Majesty to deal freely with him as a Servant, of whose fidelity he might be confident, or words to that effect: But he was so far from perswading his Majesty to be a *Roman* Catholick, that without respecting his Majesties Answer, he declared himself to be a Protestant, and so should always continue; yet he said he should always serve his Majesty, and labor to advance his and the King his Fathers affairs, with as much fidelity and honesty, as any Catholick whatsoever: And his Majesty was pleased then to make unto the said Earl a full and clear Declaration of his Religion, and of his constant resolution therein; and seemed to be much displeased, that any should have so unworthy an opinion of him, as to think he would for a Wife, or any other Earthly respect whatsoever, so much as waver in his Religion. Whereupon the said Earl besought his Majesty to pardon his boldness, and then intreated him not to suffer his business to be overthrown by permitting that conceit of his Conversion any longer to remain in the *Spaniards*, nor do any thing that might give them hope therein, alleaging, That it was impossible the Marriage could be without a Dispensation; and so long as the *Spaniards*, who were to procure the Dispensation, should have hope of his Majesties Conversion, they would never content themselves with a part; to which they were tied by the Articles agreed upon with the said Earl and Sir *Walter Aston*. At which time his Majesty was pleased to approve of his opinion, and said, he would expect the Dispensation, and did thereupon afterwards send Mr. *Andrews* to *Rome* to hasten it; and the next day the said Earl dealt very roundly with the *Conde Olivares* and *Gondomar*, telling them it was a discourteous manner of proceeding to press his Majesty to further Conditions then were formerly agreed upon in point of Religion, and to make his Conditions the worse, for the great Obligation he had put upon them

He perswaded not the Prince to change his Religion.

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them by putting himself into their hands; whereat they took such great offence, that they estranged themselves from him for a long time after. And that the said Earl did thus proceed with the said *Condes*, and that it was not a new framed Answer to satisfie present Objections; but that which really, and indeed passed, will really appear by his Dispatches unto his late Majesty of Blessed Memory; and before his Majesty that now is came out of *Spain*, they were there shewed unto his Majesty, bearing date the Nineth of *September*, 1623. So that although it be true, That he the said Earl did not dissuade his Majesty, for that there was no cause for it; yet without expecting his Majesties Answer, he first made a clear and true Profession of his own Religion: And when his Majesty had declared to him his zeal and constancy, he humbly besought him, That the *Spaniards* might not for any respect be longer held in hopes of that point. And because point of Religion is that which all men of honor and honesty should chiefly desire to clear, especially having an imputation of that nature laid upon them, as the said Earl hath in the said Article, He humbly beseecheth your Lordships, that he may not seem to digress from his Charge; intending your Lordships satisfaction in that particular, not by the afore said verbal discourse onely, which he professeth was in much zeal to Religion and dutiful care to the Prince in that kinde, but by some written Testimony of his former Opinion both of the Match and Religion. When he was first employed into *Spain* for the Treaty of this Marriage, 1617. his late Majesty having commanded him to give an accompt thereof unto his Majesty that now is, he at his departure towards *Spain*, presumed to give unto his Majesty that now is, his opinion in Writing, signed with his own hand to be kept as a testimony of future Actions, the Copy whereof is this as followeth.

SIR,

He advised both King and Prince, if they will Match with a Catholick, rather to *Spain* then *France*, but chiefly to a Protestant Prince's.

The opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness Marriage, hath been, that both in regard of Conscience and satisfaction unto his Majesties People and Alleys; likewise for the security and quiet of your Majesties estates, Your Highness might take for Wife some Protestant Prince's, although she neither were Daughter to a King, nor had so ample a Portion as might relieve the Kings present Necessities and Wants; for then there might be many ways found to help the Kings wants, either by some few years providence, and frugality, or by winning the affections of the people to the supplying of his Majesty by way of Subsidies in Parliament; whereas contrariwise, if the number and power of the Papists shall be increased, as undoubtedly they will be by your Highness matching with any Catholick Prince's, through the Concession which must be of necessity for the exercise of her Religion for her self and Family, within your Highness Courts, and thereby by degrees these two different Religions shall grow to an equality of power; it will be of great hazard and disquiet to the State, and not to be redressed without great danger, and courses of more violence, then is usual for this State to put in practice. But in case his Majesty out of his wisdom and consideration, best known to himself, hold it fittest that your Majestic match with *France*, or *Spain*, or any other Catholick, either for that the present time affordeth no Protestant Prince's, who is for years or Blood suitable for your Highness, or that can in any considerable measure by the portion, supply his Majesties present wants, I then conceive that the Match by which this State shall suffer least inconvenience and cumbers, and whereby his Majesties necessities shall by the greatnes

greatness of the Portion be the most relieved, is with Spain, if such a Match may be made with such Conditions of Religion, as other Catholick Princes will contract themselves withall.

A Thus much I thought fit humbly to present unto your Highness, for that I see my Employment liable to the Censure of many worthy Persons, with whom though I concur in my Opinion, yet I seem much to differ from them many ways; For that it is more proper to me to be true to my Masters ends and services, then by declaring this to procure their satisfaction: Only to your Highness I thought fit to make this Declaration; and shall be a Suitor to you for your favor, as you shall see me really labor to put this in effect. And if his Majesty shall either upon motion of Parliament, or any other Proposition that can be made unto him, think it fit to proceed with a Protestant Match, as I shall wish as well unto it as any man living, so I hope in such sort to manage the present business that I have in hand, that it shall rather much further, then any way cross or hinder it. But in case his Majesty shall not be drawn to any Proposition for a Protestant Match, I then conceive that your Highness both doth, and will approve, that I really and effectually labor to procure a Match for your Highness in Spain, upon such Conditions in point of Religion and Portion, as to his Majesty shall seem fit.

C Besides which Declaration of his Opinion, He hath all the days of his life, and in all places, lived and allowed himself to be a Protestant, never having done any the least act that was not suitable to that Profession: And in all his former Employments for the space of Fourteen years, of more then Five hundred persons of all qualities that attended on him, there was never any perverted in his Religion, saving two Irish Footmen, who in Ireland had been bred Papists. And he humbly desireth the Testimony of Doctor Mason and Doctor Wren, his Majesties Chaplains, who were with his Majesty in Spain, and of Master Sampford one of the Prebends of Canterbury, Master Boswell Parson of S. Laurence in London, and Master Frewen Divinity-Reader in Magdalen-Colledge in Oxford, and now one of his Majesties Chaplains, who were his Majesties Chaplains in Spain; as well for the frequent use of the Sacrament, as constant profession and exercises of Religion, and the testimony of such Catholicks as are known to have been his ancient Acquaintance and Friends, to examine them upon oath, Whether publickly or privately in Spain, or in England, they had known him in any kind to make shew, or so much as to forbear upon all occasions to declare the Religion he professeth. And that the said Mr. Frewen and Mr. Wake may be also examined, Whether in extremity of several sicknesses whereinto he hath of late years fallen, he hath not ever settled his Conscience withthem towards God, and made a Confession of his Faith, resolving as be-fitting a Protestant or good Christian.

He constantly professed the Protestant religion.

F VIII. To the Eighth Article the Earl saith, That he did not at any time or in any place endeavor to perswade the Prince touching his religion to become a Roman Catholick, and to be obedient to the usurped authority of Rome; Neither did the said Earl to that end and purpose, or otherwise, use unto his Majesty then Prince, the words in the Article mentioned. But the said Earl acknowledgeth, that upon occasion of a Letter that came to his Majesty then Prince, putting his Majesty in mind of the great

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actions of his Royal Progenitors in the Holy War, that the great Kings of those times did not only imploy their Forces, but in their persons went into the Holy Land; The Earl believeth that by way of discourse only, and not otherwise, he may have said, That in regard of the difference in Religion, it was of more difficulty to undertake such great actions now, then in former Ages; and it might well be instanced in the present Treaty of the Marriage, wherein the Popes consent was to be obtained. And to this effect, and upon the like grounds, he is confident there were very many that have, nay few of neereness about his late Majesty that have not often heard his Majesty say, That he was the true Martyr, that suffered more for his Religion then all the Princes of Christendom besides; instancing in divers particulars, but especially in this, That he could not match his Children with Kings or his own rank, without the Popes leave.

But the said Earl saith, He never alleaged any such thing to any other purpose, then to shew that only Conscience and love to Truth, (in which regard Protestants suffered much) not any temporal respects, made men constant and zealous to the profession of our Religion. By which discourse he ever attributed much to the honor and security of Protestant religion, but never used it as an argument to perswade to the contrary, as in the Accusation is insinuated.

Besides, he conceiveth by way of Answer thereunto the said Question may be asked, which his Majesty was pleased to ask of the Earl in the Seventh Article, viz. *What the said Earl saw in his Majesty, that he should think him so unworthy as to change his Religion for a Wife, or any earthly respect whatsoever?* So why should it be thought, that being more fit to undertake great actions in the world (being a meer moral and temporal respect) should be an argument to perswade in conscience so religious and wise a Prince, and so well instructed as his Majesty is; as though the soul of a Christian Prince was to be wrought upon in point of Truth and Belief, by temporal and worldly respects of Conveniencies and Greatness? It were necessary for the proving that the said Earl perswaded his Majesty touching Religion, to produce some arguments that he used out of Scripture to satisfy him in point of Conscience in some Tenents of the Roman Church, or that he produced any Conference with Learned men for his satisfaction in point of Religion: Otherwise the Articles used in this against the said Earl, do (as he conceiveth) carry little strength to prove the Charge of perswading his Majesty, either in regard of it self, or in regard of his Majesties piety.

IX. To the Ninth Article the said Earl saith, That there was a Discourse in *Spain* of the way of accommodating the Prince Palatine his affairs; and by way of discourse it was moved, That the Marriage of his eldest Son with a Daughter of the Emperor, and his Son to be bred in the Emperors Court, would be the fairest way for the pacifying of, and accommodating those businesses. And the Earl by way of discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse either to the said Match, or to the breeding of the Prince Palatine his Son with the Emperor; so as thereby the whole Patrimonial Estate of the Prince Palatine, and the Dignity Electoral might be fully restored, and that his Son might be bred in his own Religion, and have such Preceptors, and such a Family, as his late Majesty and his Father, meaning the Prince Palatine, should appoint, and they to have free exercise of Religion:

Religion: For so his late Majesty hath often declared himself to the said Earl, and wished him to lay hold on any occasion for the entertaining of any such Proposition. And otherwise then so, and upon the terms aforesaid, and by that way of Conference and discourse only, he delivered not any Opinion to his Majesty at his Majesties being in *Spain*: For the said Earl is very confident that his Majesty was returned out of *Spain*, before any Proposition was made for the said Marriage, other then by way of discourse, as aforesaid; The same, as the said Earl believeth, being first moved and debated on by way of Proposition between Mr. Secretary *Calvert* and the Ambassador of the King of *Spain*, Octob. 2. 1628. His late Majesty, upon a relation made unto him by a Letter of Mr. Secretary *Calvert*, approved of the said Proposition, and declared the same to be the onely way, as he conceived, to accommodate with honor those great busineses: And wrote to that purpose to his Son-in-law the Prince Palatine, by his Letters dated 9 Novemb. 1623. A Copy of which he, together with Mr. Secretary *Calverts* Relation, and the Lord *Conway* by his late Majesties commandment, sent unto the said Earl; the Tenor of which translated out of French, is as followeth.

WE have thought good, that we may provide best and most soundly for your Affairs, not only to procure, but also to assure your Peace, were to cut up by the very roots that Evil which hath been settled in the heart of the Emperor, by the great displeasure and enmity he hath conceived against you. For the removing and quite extinguishing of which, it seemeth to us no better or more powerful means can be used, then a good Alliance which may be proposed by us between your eldest Son and the Daughter of the said Emperor; upon the assurance we have we shall not be refused in this nature, if you on your part will give your consent. And for the more surety of the good success thereof, we are determined, before any such Proposition be made to the Emperor, to interest the King of *Spain* with us in the business, who we trust will lend us his helping hand, as well for the effecting of it and bringing it to a good conclusion, as in procuring likewise that the Conditions be duly observed. Amongst which Conditions, if it happen that the Emperor should demand that your Son during his minority should be brought up in his Court, We shall tell you that we for our own part see no reason why you should stick at it, upon such Conditions as he might be tied unto, to wit, That the young Prince should have with him such Governor as you should please to appoint him, although he be no Roman Catholick; And that neither he, nor any of his should be any way forced in matter of their Conscience. And our meaning is so to order our proceeding in this Treaty, that before your said Son be put into the hands of the Emperor, we will have a clear and certain assurance of an honorable, entire, and punctual restitution of all whatsoever belonging to you: As also we will take care to provide accordingly as fully and exactly for the Assurances requisite for the Liberty of Conscience for him and his Domesticks, as they have done here with us touching those that have been granted them for the Infanta. And therefore seeing there is no Inconvenience at all that may cause your aversness or backwardness in this business, which we for our parts think to be the best, shortest, and most honorable way that you can take for the compassing of the entire Restitution, and making your Peace sure with the Emperor, We hope your opinion will concur with us herein, and shall intreat you by the first to send us your Answer.

King James proposeth a Match to the Prince Palatine, between his eldest son and the Emperors daughter.

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By which Letter after his Majesties coming out of *Spain*, it appeareth to your Lordships that there was no Proposition of the Marriage betwixt the Son of the Prince Palatine and the Emperors Daughter, when that Letter was written; For therein his Majesty saith, he was determined to interests the King of *Spain* in the business, before any such Proposition should be made to the Emperor. And it will also thereby appear, that his late Majesties opinion was of the Conveniencie thereof; which the said Earl hopeth will acquit him, if by way of discourse only he declared what his Majesties inclination was, which with honesty he could not have concealed. And the said Earl saith, he doth not remember what answer Sir *Walter Aston* made upon that discourse which he then delivered, nor what replies the said Earl made; but sure he is, whatsoever the said Earl said, or what answer or reply soever was made, as it was by way of discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the business, and to be his Majesties pleasure, (which the said Sir *Walter Aston* may be ignorant of, as he is confident that he was) and not out of any disaffection to our Religion, or for any sinister respect or regard to the House of *Austria*, as by the said Article is intimated: For he did not conceive the breeding of the Prince Palatine's Son with the Emperor, having a Governor appointed by his late Majesty and his Father, and he and his Domesticks to have free use of their own Religion, to be a matter of impossibility, or such dangerous consequence in point of Religion, as to imply his Conversion, as by the Article is intimated; well knowing that in the Emperors Court all Princes there, though his Prisoners, and others his Counsellors and Servants about his person, and of great Command in his Armies, being avowed Protestants, have the free use of their Religion: And it is not to be supposed the Son of the Prince Palatine, Grandchild to the King of *Great Britain*, should be matched, and no care taken to capitulate for the use of his Religion, being ever granted to the meanest Prince that is bestowed. And his Majesties special care in this point is fully seen in the said Letter.

X. To the Tenth Article he saith, That by comparing of this Article of his too much Forwardness, with the Second Article, whereby he is charged with continuing the Treaty upon Generalities, without reducing them to Certainties and direct Conclusions, Your Lordships will perceive how impossible it was for him to avoid an Exception. But for direct Answer to the present Charge he saith, That he did not presumptuously, nor yet to his knowledge, break his Instructions, nor set any day at all for the *Desponsories*; but was therein meerly passive, in admitting the day nominated by the King of *Spain* according to the Capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any Commandment or Direction of his Majesty that now is, then Prince, which he could understand not to be countermanded either by present or future Instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in and concerning the same, he saith, That on the day of the departure of his Majesty then Prince from the *Escorial* in *Spain*, his Highness delivered unto him in presence of the Commissioners his Proxies powers, with publick Declaration taken in writing by the Secretary to the King of *Spain*, or the Prince his pleasure, and how the said Earl should use them, viz. That he should deliver them to the King of *Spain* upon the coming of the

the Dispensation cleared from *Rome*, according to that which had been agreed, which was to be within ten dayes after the coming of the Dispensation. And he further saith, That it is true that the Prince afterwards by his Letters sent by one Mr *Clark*, commanded him the said Earl not to deliver the said Proxies till he should have received security that the *Infanta* after her being betrothed should not enter into any Religious Order, and that before he proceeded he should send to his Majesty, then Prince, such securities as should be offered, that he might judge whether it were sufficient or not.

Whereupon the said Earl, as became a faithfull Servant, presented unto his Majesty that now is, then Prince, such Assurances as were offered unto him for securing of that point, together with such Reasons as he conceived were fit to be offered to their considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, such satisfaction, as they were pleased to dispatch a Post presently unto him, absolutely discharging him of that Commandment, as by their several Letters dated *October 8. 1623.* will appear as followeth.

We have received your Letters by Grisley, and the copy of them to our dear Son; and we cannot forbear to let you know how well we esteem the dutifull, discreet and judicial Relation and humble advice to our Son: Whereupon, having ripely deliberated with our self, and communicated with our dear Son, we have resolved, with the good liking of our Son, to rest upon that security in point of doubt for the Infanta's taking a Religious Order, which you in your judgement shall think meet.

And by that other Letter of his Majesty that now is, then Prince, as followeth; *Viz.*

Your Letters to the King and me concerning that doubt I made after I came from St Laurence, hath so satisfied us both, that we think it fit no longer to stick upon it, but leave it to your discretion to take what security you shall think fitting.

Whereby he was absolutely freed of that command; and being so freed thereof, he then remained under the Order which his Majesty, then Prince, had left with him at his departure, which was to proceed according to the Capitulations, and his Highness Declaration when he delivered the said Proxies unto him: And so he intended to have done, till by his Highness's Letters *November 13. 1623.* he was directly commanded the contrary; which Commandment he most readily and punctually obeyed.

And for such his intentions, till he was countermanded, he conceiveth he had not onely sufficient warrant, but had highly offended if he had done otherwise. For first, for his proceedings to consummate the Match, he had warrant and instruction under his late Majesties hand. Secondly, It was the main scope of his Ambassage. Thirdly, He was injoynd by the King and Prince his Commission under the Great Seal. Fourthly, He had positive Order under his Majesties hand by Letters since. Fifthly, It was agreed by Capitulation, that it should be within so many dayes after the coming of the Dispensation. Sixthly, His late Majesty, and his Majesty that now is, then Prince, signified by their Letters unto him at the same time when they discharged him of his Commandment touching

The Earls Reasons why he was forward to consummate the Match, till warrant came to the contrary.

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touching the *Infanta's* entring into Religion, that they intended to proceed in the Marriage, as by his Majesties Letters *October 8. 1623.* will appear. Seventhly, The Proxies were to that end left in his hands, and after again renewed after his Majesties return into *England.* Eighthly, He had overthrown the Marriage without order: For although Sir *Walter Aston* and himself used all possible means for the gaining of time, and deferring the Desponsories; yet the King of *Spain* caused it to be protested, that in case he the said Earl should insist upon the deferring of the Desponsories, he would free himself from the Treaty by the said Earls infringing of the Capitulations: And in truth, although the King of *Spain* should have condescended to have prolonged the Desponsories until one of the dayes of Christmas, as by the Letter was required; yet the Prince's Proxies had been before that time expired, and he durst not without a precise Warrant put such a scorn upon so noble a Lady, whom he then conceived was likely to have been the Prince his wife, as to nominate a day of marriage when the Proxies were out of date, and he was himself sworn to the Treaty. And lastly, he could not in honor and honesty, but endeavor to perform that publick Trust reposed in him when the Proxies were deposited in his hands, with publick and legal Declaration, with an instrument by a Secretary of State to the King of *Spain*, leading and directing the use of them, and the same being then *instrumentum stipulatum*, wherein as well the King of *Spain* was interessed by the acceptation of the substitution, as the Prince by granting of the Proxies, he could not in honesty fail the publick Trust without clear and undoubted warrant; which as soon as he had, he obeyed. So as the Case standing thus, the said Earl is very confident that the supposed Countermands, Directions and Restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient warrant against the aforesaid Orders and Reasons before specified: And is also as confident, That what is assured out of his the said Earls Dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the Desponsories before he received direct and expresse commandment to the contrary by the aforesaid Letters *November 13. 1623.* which he readily and punctually obeyed, he had not under favor broken his Instructions, or deserved any blame for lack of assurance of the restitution of the *Palatinate* and Temporal Articles.

And first of the *Palatinate*, his said Majesty did not send to the said Earl expresse Directions not to dispatch the Desponsories until a full conclusion were had of the other Treaty of the *Palatinate*, together with that of the Marriage, as by the said Article is alledged; onely his late Majesty, by the aforesaid Letters of *October 8.* required the said Earl so to endeavor, that his Majesty might have the joy of both at Christmas. Whereas his Instructions of *May 14. 1621.* were expresse, that he should not make the business of the *Palatinate* a condition of the Marriage. And his late Majesties Letters of *December 30. 1623.* were fully to the same effect. Yet did the said Earl, according to what was intimated by the said Letters of *October 8.* so carefully provide therein, as that before the Proxies were to be executed, he had an absolute answer in the business of the *Palatinate*, the same should be really restored according to his late Majesties desire; and the *Conde Olivarez*, both in his Majesties name, and in his own, desired the said Earl and Sir *Walter Aston* that they would assure his Majesty of the real performance of the same,

The restitution of the *Palatinate*, promised by the King of *Spain* and *Olivarez.*

and

and intreated, if need were, they should engage their honor and life for it, as by their joynt Dispatches of *November 23. 1623.* will appear; and so much the said Sir *Walter Aston* and the said Earl agreed should be delivered to them in writing, before they would have delivered their Proxies, and so the said Earl declared it; the which Answer in writing should have been the same which since was given them of *January 8. 1623.* And both Sir *Walter Aston* and the said Earl were confident therein, as they by their said Letters of *November 23.* wrote to his late Majesty as followeth; *Viz.*

That his Majesty might, according to his desire signified to the said Earl by his Letters of October 8. give as well to his Majesties Daughter that Christmas the comfortable news of the expiring of her great troubles and sufferings, as to his Son the Prince the Congratulation of being married to a most worthy and excellent Princess.

By which it will evidently appear, he meant not to leave the business of the *Palatinate* loose, when he intended to proceed to the Marriage; but he confessed that he was ever of opinion, that the best pawn and assurance his late Majesty could have of the real proceedings of the *Palatinate*, was, That they proceeded really to the effecting of the *Match*; and of the same opinion was his late Majesty also, and the Lords Commissioners here in *England*, as appeareth by his Instructions dated *March 14. 1621.* which opinion still continued in them, as appeareth by his late Majesties Letters of *January 7. 1622.* And as for the Temporal Articles, the said Earl saith, when the Desponsories were formerly appointed to have been, as he remembreth on *Friday August 29.* before the departure of his Majesty, then Prince, out of *Spain*, which was onely hindered by the not coming of the Dispensation, the Prince appointed him and Sir *Walter Aston* to meet with the Spanish Commissioners, and they drew up the heads of the Temporal Articles, wherewith the Prince and the Duke of *Buckingham* were acquainted; and in case the Dispensation had come, and the Desponsories been performed on that day, there had been no other provision made for them before the Marriage; but presently upon the Prince his departure, he the said Earl caused them to be drawn into form, and sent them to his late Majesty *September 27. 1623.* desiring to understand his Majesties pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any dislike thereof, until the aforesaid Letters of *November 13. 1623.* which put off the Desponsories. So as it appeareth the said Earl was so far from breaking his Instructions, or from having any intention to have proceeded to the execution of the Desponsories before his Majesty and the Prince were satisfied of this point of the *Infanta* entering into Religion, or before convenient assurance as well for the restitution of the *Palatinate*, as performance of the Temporal Articles, that he deserveth, as he conceiveth under favor, no blame, so much as in intention; but if he had erred in intention onely (as he did not) the same being never reduced into Act, the Fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For so it is in Cases towards God. And as to the matter of aggravation against him, that he appointed so short a time for the Desponsories, as that without extraordinary diligence the Prince had been bound, he thereto saith, as he said before, that he set no day at all thereunto, nor could defer it after the Dispensation came

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came from *Rome*, without a direct breach of the *Match* so long labored in, and so much desired; yet he and Sir *Walter Aston* having used all possible industry to discover how the motion of deferring the *Match* would be taken; and finding an absolute resolution in the King of *Spain* to proceed punctually, and to require the Proxies according to the *Capitulations*, within ten dayes after the coming of the Dispensation; and that time also getting advertisement from *Rome*, that the Dispensation was granted, and would presently be there; he, the said Earl, to the end in so great a Cause he might have a clear and undoubted understanding of his late Majesties pleasure, sent a Dispatch of *November 1.* with all diligence unto his Majesty, letting his Majesty know that it could not be possible for him to protract the Marriage above four dayes, unless he should hazard the breaking, for which he had no warrant.

But that this was no new Resolution, nor the King so straitned in time, as by the said Article is pretended, will appear by the said Earls Dispatch of *September 28. 1623.* In which upon scruple that was then made of the *Infanta's* entring into Religion, he wrote to the same effect; *Viz. That if the Dispensation should come, he knew no means how to detain the Proxies above twenty or twenty four dayes.* So that although difficulty happened until the middest of *November 1623.* yet it was foreseen that it must of necessity happen whensoever the Dispensation should come; and then was warning of two moneths given thereof; *viz. from September 24. until November 29.* which was the time appointed for the Desponsories.

So as he most humbly submits himself unto your Lordships which of the two wayes was the safer or durifuller for him to take; whether upon inferences and conjectures to have overthrown so great a business; or on the other side, first to have presented unto his Majesty the truth and sincerity as he did, the true estate of his Affairs, with his humble opinion therein, with an intimation, that if his Majesty should resolve to break the *Match*, that for the said Earl his honest discharge of the publick Trust reposed in him when the Proxies were deposited in his hands, and for his sufficient warrant in so great a cause, his Majesty would be graciously pleased to give him clear and expresse order (which he had not) and in the interim, whilst his Majesty might take into consideration the great inconveniences that might ensue, the said inconveniences might be suspended, and the business kept upon fair terms, that his Majesty might have his way and choice clear and unsoiled before him.

And as to the evil Consequences which are pretended would have followed if the said Earl had proceeded to the consummation of the *Match*, before he had expresse order and warrant to the contrary; he supposeth his Majesty should speedily have seen the Marriage which he so long sought to have effected; that the Prince should have had a worthy Lady whom he loved; that the Portion was much greater then ever was given in money in *Christendom*; that the King of *Spain* had engaged himself for restitution of the *Palatinate*; for which the said Earl conceived a daughter of *Spain*, and Two Millions had been no ill pawn, besides many other additions of advantage to the Crown of *England*: Whereas on the contrary side, he foresaw that the Prince would be kept a year longer unmarried, a thing that so highly concerneth these Kingdoms; he doubteth that the recovery of the *Palatinate* from the Emperor and Duke of *Bavaria* by force would prove a great difficulty,

A difficulty, and that Christendom was like to fall into a general Combustion: So that desiring that his Majesty should have obtained his ends, and have had the honor and happiness, not onely to have given peace, plenty, and increase unto his own Subjects and Crowns, but to have compounded the greatest differences that had been these many years in Christendom: And by his Piety and Wisdom, to have prevented the shedding of so much Christian Blood, as he feared would ensue, if these busineses were disordered. These Reasons, he confesseth, and the zeal unto his Majesties service made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate man (his Majesties affairs being so near setting to his Majesties content, as he conceived they were, and hoping to have been unto his Majesty not onely a faithful Servant, but a successful Servant) to see the whole estate of his affairs turned up-side down without any the least fault of his; and yet he the onely Minister on the English and Spanish side that remained under disgrace.

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X I. To the Eleventh Article the said Earl saith, That the Article is grounded upon a Petition by him preferred to this Honorable House, supposed to be scandalous; which your Lordships (as he conceiveth) according to the Customs and Priviledges of the House of Peers, would have been pleased first to have adjudged so to have been, either for matter appearing in it self, or upon hearing the said Earl; for if the matter appearing in the Petition it self, be not to be excepted unto, it cannot as he conceiveth by Collateral accidents be taken for a Scandal, till it be examined and found false. For a plain and direct Answer thereunto, he saith, That the said Petition is such as will not warrant any such inference, as by the said Article is inforced. And that he hopeth to justify the Contents of the said Petition in such sort as shall not displease his Majesty, nor deserve that expression which is used in the Charge; but contrarily what he hath said, or shall say therein in his defence, shall in all things tend to the Honor and Service of his Majesty, by reducing into his Memory divers Circumstances, and laying before him the passages of divers particulars, which by undue practices have been either concealed from his Majesty or mis-related to him.

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“ Having thus offered to this High and Honorable Court, such
“ Proofs and Reasons, as he hopeth shall in your Lordships Wisdom
“ and Justice clearly acquit him of any capital Crime or wilful Offence;
“ if it shall appear that out of Errors of Judgment, too much fervent-
“ nesses of zeal to his Majesties service, or the ignorance of the Laws of
“ this Realm, (wherewith he hath not been able to be so well acquainted
“ as he ought, by reason of Foreign Employments by the space of
“ many years) or by any other ways or means he hath fallen into
“ the danger of the Laws for any thing pardoned in the General Par-
“ don made in the Parliament holden at Westminster, Anno Vicefimo
“ primo Regni, Imp. Jacobi Anglia, &c. of Blessed Memory, he humbly
“ prayeth allowance of the Pardons, and the benefit thereof (with this
“ Clause, That he doth and will aver that he is none of the persons excep-
“ ted out of the same) although he is very confident he shall not need the
“ help of any pardon, having received many significations as well from
“ his Majesties own mouth, that he had never offended his Majesty, as
“ lately

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“lately by severall Letters from the Lord *Conway*, that he might rest in
 “the security he was in, and sit still, and should be no further questioned.
 “But he hopes your Lordships will not onely finde him so far from blame,
 “but that he hath served his late Majesty of Blessed memory, and his
 “most gracious Son, the Kings Majesty that now is, with that fidelity,
 “care, and industry, that your Lordships will take such course as you
 “in your wisdoms shall think fit, not onely for the upholding the Honor
 “and Reputation of a Peer of this Realm, after so many employments,
 “but likewise become humble and earnest Suitors to his Majesty on
 “his behalf (which he humbly prayeth) That he may be restored to his
 “Majesties most gracious Favor, which above all worldly things he most
 “desireth.

The Eighth of *May*, the Commons brought up their Charge against
 the Duke, which was delivered at a Conference of both Houses, and
 spun out two days time. It was managed by Eight Members and Sixteen
 more as Assistants. The Eight cheif managers were, Sir *Dudley Diggs*,
 Mr. *Herbert*, Mr. *Selden*, Mr. *Glanville*, Mr. *Pym*, Mr. *Sherland*, Mr.
Wandesford, and Sir *John Elliot*.

Sir *Dudley Diggs* by way of Prologue, made this Speech.

My Lords,

“Here are so many things of great importance to be said in very
 “little time to day, that I conceive it will not be unacceptable to
 “your Lordships, if (setting by all Rhetorical Affectations) I
 “onely in plain Country Language, humbly pray your Lordships favor to
 “include many excuses necessary to my manifold infirmities in this one
 “word, I am *Commanded* by the Knights, Citizens, and Burgeses of the
 “Commons House, to present to your Lordships their most affectionate
 “thanks for your ready condescending to this Conference; which, out
 “of confidence in your great Wisdoms, and approved Justice, for the
 “service of his Majesty, and the welfare of this Realm, they desired upon
 “this occasion.

“The House of Commons by a fatal and universal Concurrence of
 “Complaints, from all the Sea-bordering parts of this Kingdom, did
 “finde a great and grievous interruption and stop of Trade and Traffick:
 “The base Pirates of *Sally* ignominiously infesting our Coasts, taking
 “our Ships and Goods, and leading away the Subjects of this Kingdom
 “into Barbarous captivity: while to our shame and hindrance of Com-
 “merce, our enemies did (as it were) besiege our Ports, and block up our
 “best Rivers mouths. Our friends on slight pretences, made Imbargoes of
 “our Merchants Goods, and every Nation (upon the least occasion) was
 “ready to contemn and flights us: So great was the apparent diminution
 “of the antient Honor of this Crown, and once strong Reputation of our
 “Nation. Wherewith the Commons were more troubled, calling to re-
 “membrance, how formerly in *France*, in *Spain*, in *Holland*, and every
 “where by Sea and Land, the Valors of this Kingdom had been better
 “valued, and even in latter times, within remembrance, when we had
 “no Alliance with *France*, none in *Denmark*, none in *Germany*, no Friend
 “in *Italy*; *Scotland* (to say no more) ununited, *Ireland* not settled in peace,
 “and much leis security at home; when *Spain* was as ambitious as it is

“now

“ now under a King (*Philip the Second*) they called their Wisest; the
 “ House of *Austria* as great and potent, and both strengthened with a ma-
 “ litious League in *France*, of persons ill-affected, when the Low-
 “ Countreys had no Being; yet by constant Councils, and old English
 “ ways, even then that Spanish pride was cooled, that greatness of the
 “ House of *Austria*, so formidable to us now, was well resisted; and to
 “ the United Provinces of the Low-Countreys such a beginning, growth,
 “ and strength was given, as gave us honor over all the Christian World.
 “ The Commons therefore wondring at the Evils which they suffered,
 “ debating of the Causes of them, found they were many drawn like
 “ one Line to one Circumference of decay of Trade, and strength of
 “ Honor and Reputation in this Kingdom; which as in one Centre,
 “ met in one great Man, the cause of all, whom I am here to name, *The*
 “ *Duke of Buckingham*.

Here Sir *Dudley Diggs* made a little stop, and afterwards read the
 Preamble to the Charge, viz.

The Commons Declaration and Impeachment against the Duke of *Buckingham*.

For the speedy Redress of great Evils and Mischeifs, and of the cheif
 cause of these Evils and Mischeifs which this Kingdom of England now
 grievously suffereth, and of late years hath suffered; and to the honor and
 safety of our Sovereign Lord the King, and of his Crown and Dignity;
 and to the good and welfare of his people, The Commons in this present Par-
 liament by the Authority of our said Sovereign Lord the King assembled,
 Do by this their Bill shew and declare against *George Duke, Marquess and*
Earl of Buckingham, Earl of Coventry, Viscount Villers, Baron of
Whaddon, Great Admiral of the Kingdoms of England and Ireland, and
of the Principality of Wales, and of the Dominions and Islands of the same,
of the Town of Calais, and of the Marches of the same, and of Normandy,
Gascoigne, and Guienne, General-Governor of the Seas and Ships of the
said Kingdom, Lieutenant-General Admiral, Captain-General and Gover-
nor of his Majesties Royal Fleet and Army lately set forth, Master of the
Horse of our Sovereign Lord the King, Lord Warden, Chancellor and Ad-
miral of the Cinque Ports, and of the Members thereof, Constable of Dover
Castle, Justice in Eyre of all the Forests and Chases on this side the River
Trent, Constable of the Castle of Windsor, Gentleman of his Majesties
Bed-Chamber, one of his Majesties most Honorable Privy Council in his
Realms, both in England, Scotland, and Ireland, and Knight of the
most Honorable Order of the Garter; The Misdemeanors, Misprisions, Of-
fences, Crimes, and other Matters, comprised in the Articles following; and
him the said Duke do accuse and impeach of the said Misdemeanors, Misprisi-
ons, Offences, and Crimes.

An. 1626.

My Lords,

“ **T** His lofty Title of this Mighty Man, methinks doth raise my
 “ spirits to speak with a *Paulò Majora Canamus*; and let it not
 “ displease your Lordships, if for Foundation, I compare the
 “ beautiful structure and fair composition of this Monarchy wherein we
 “ live, to the great work of God, the World it self: In which, the solid
 “ Body of incorporated Earth and Sea, as I conceive, in regard of our
 “ Husbandry, Manufactures, and Commerce by Land and Sea, may
 “ well resemble us the Commons. And as it is incompassed with Air,
 “ and Fire, and Sphears Celestial, of Planets and a Firmament of fixed
 “ Stars; all which receive their heat, light, and life, from one great, glo-
 “ rious Sun, even like the King our Sovereign. So that Firmament of
 “ fixed Stars I take to be your Lordships; those Planets the great Offi-
 “ cers of the Kingdom; that pure Element of Fire, the most Religious,
 “ Zealous, and Pious Clergy; and the Reverend Judges, Magistrates,
 “ and Ministers of Law and Justice, the Air wherein we breathe: All
 “ which encompass round with cherishing comfort, this Body of the
 “ Commons, who truly labor for them all; and though they be the
 “ Foot stool, and the lowest, yet may well be said to be the settled Centre
 “ of the State.

“ Now (my good Lords) if that glorious Sun, by his powerful
 “ Beams of Grace and Favor, shall draw from the Bowels of this Earth,
 “ an exhalation that shall take Fire, and burn and shine out like a Star, it
 “ needs not be marvelled at, if the poor Commons gaze and wonder at
 “ the Comet; and when they feel the effects, impute all to the incorrup-
 “ tible matter of it: But if such an imperfect mixture appear, like that
 “ in the last age in the Chair of *Cassiopeia*, among the fixed Stars them-
 “ selves, where *Aristotle* and the old Philosophers conceived there was no
 “ place for such corruption, then as the Learned Mathematicians were
 “ troubled to observe the irregular motions, the prodigious magnitude,
 “ and the ominous prognosticks of that Meteor; so the Commons when
 “ they see such a blazing Star in course so exorbitant in the Affairs of this
 “ Commonwealth, cannot but look upon it, and for want of Perspectives,
 “ commend the nearer examination to your Lordships, who may behold
 “ it at a nearer distance. Such a prodigious Comet the Commons take
 “ this Duke of *Buckingham* to be; against whom, and his irregular ways,
 “ there are by learned Gentlemen legal Articles of Charge to be delivered
 “ to your Lordships, which I am generally first commanded to lay
 “ open.

“ 1. The Offices of this Kingdom, that are the Eyes, the Ears,
 “ and the Hands of this Commonwealth, these have been ingrossed,
 “ bought and sold, and many of the greatest of them holden even in the
 “ Dukes own hands; which severally gave in former ages, sufficient con-
 “ tent to greatest Favorites, and were work enough for wisest Counsellors;
 “ by means whereof, what strange abuses, what infinite neglects have
 “ followed? The Seas have been unguarded, Trade disturbed, Merchants
 “ oppressed, their Ships, and even one of the Royal Navy, by cunning
 “ practice, delivered over into Foreign hands; and contrary to our good
 “ Kings

"Kings intention, employed to the prejudice (almost to the ruine) of
"Friends of our own Religion.

"2. Next Honors (those most pretious Jewels of the Crown) a
"Treasure inestimable, wherewith your Noble Ancestors (my Lords)
"were well rewarded for eminent and publick Service in the Common-
"wealth at home; for brave exploits abroad, when covered all with
"dust and blood, they sweate in service for the honor of this Crown.
"What back-ways, what by-ways, have been by this Duke found out,
"is too well known to your Lordships? whereas antiently it was the
"honor of *England* as among the *Romans*) the way to the Temple of Ho-
"nor, was through the Temple of *Vertue*. But I am commanded to press
"this no further, then to let your Lordships know, one instance may
"(perhaps) be given of some one Lord compelled to purchase Ho-
"nor.

"3. As divers of the Dukes poor Kinred have been raised to
"great honors, which have been and are likely to be more chargeable
"and burthenfome to the Crown; so the Lands and Revenews, and the
"Treasuries of his Majesty, have been intercepted and exhausted, by
"this Duke and his Friends, and strangely mis-employed with strange
"confusion of the Accounts, and overthrow of the well established an-
"tient Orders of his Majesties Exchequer.

"4. The last of the Charges which are prepared, will be an injury
"offered to the person of the late King of Blessed memory, who is with
"God, of which (as your Lordships may have heard heretofore) you
"shall anon have further information. Now upon this occasion, I am
"commanded by the Commons to take care of the honor of the King
"our Sovereign that lives, (long may he live to our comfort, and the
"good of the Christian World) and also of his Blessed Father who is
"dead; on whom, to the grief of the Commons, and their great
"distaste, the Lord Duke did (they conceive) unworthily cast some ill
"odor of his own foul ways; whereas Servants were antiently wont to
"bear, as in truth they ought, their Masters faults, and not cast their own
"on them undeservedly. It is well known the King (who is with God)
"had the same power, and the same wisdom, before he knew this Duke,
"yea, and the same affections too; through which (as a good and grati-
"ous Master) he advanced and raised some Stars of your Lordships Fir-
"mament; in whose hands this exorbitancy of will, this transcendancy
"of power, such placing and displacing of Officers, such irregular run-
"ning into all by-courses of the Planets, such sole and single managing of
"the great Affairs of State, was never heard of.

"And therefore, onely to the Lord Duke, and his procurement, by
"mis-informations, these faults complained of by the Commons, are to
"be imputed.

"And for our most Gracious Sovereign that lives, whose name
"hath been used, and may perhaps now be for the Dukes justifica-
"tion, the Commons know well, That among his Majesties most Royal
"Virtues, his Piety unto his Father, hath made him a pious nourisher of
"his Affections ever to the Lord Duke, on whom, out of that con-
"sideration, his Majesty hath wrought a kinde of wonder, making Fa-
"vor Hereditary; but the abuse thereof must be the Lord Dukes own:
"And if there have been any Commands, such as were or may be
"pretended, his mis-informations have procured them; whereas the

An. 1626.

"Laws of *England* teach us, That Kings cannot command ill or unlawful things, when ever they speak, though by their Letters Patents, or their Seals. If the things be evil, these Letters Patents are void, and whatsoever ill event succeeds, the Executioners of such Commands must ever answer for them.

"Thus, my Lords, in performance of my duty, my weakness hath been troublesome unto your Lordships; it is now high time, humbly to entreat your pardon, and give way to a learned Gentleman to begin a more particular charge. A

Then were read the First, Second, and Third Articles, *viz.*

The Commons Articles against the Duke.

His ingrossing many Offices.

Plurality of Offices.

His buying of Offices.

I. **T**hat whereas the great Offices expressed in the said Dukes Stile and Title, heretofore have been the singular Preferments of several Persons eminent in Wisdom and Trust, and fully able for the weighty Service, and greatest Employments of the State, whereby the said Offices were both carefully and sufficiently executed by several Persons of such Wisdom, Trust, and Ability: And others also that were employed by the Royal Progenitors of our Sovereign Lord the King in places of less Dignity, were much encouraged with the hopes of advancement. And whereas divers of the said places severally of themselves, and necessarily require the whole care, industry, and attendance of a most provident, and most able person; He the said Duke being yong and unexperienced, hath of late years with exorbitant Ambition, and for his own profit and advantage, procured and ingrossed into his own hands, the said several Offices, both to the danger of the State, the prejudice of that Service, which should have been performed in them, and to the great discouragement of others; who by this his procuring and ingrossing of the said Offices, are precluded from such hopes, as their Vertues, Abilities, and Publick Employments, might otherwise have given them. B C D

II. Whereas by the Laws and Statutes of this Kingdom of *England*, if any person whatsoever, give or pay any sum of Money, Fee, or Reward, directly or indirectly, for any Office or Offices, which in anywise touch or concern the Administration or Execution of Justice, or the keeping of any of the Kings Majesties Towns, Castles, or Fortresses, being used, occupied, or appointed for places of strength and defence; the same person is immediately upon the same Fee, Money, or Reward, given or paid, to be adjudged a disabled person in the Law, to all intents and purposes, to have, occupy, or enjoy the said Office or Offices, for the which he so giveth or payeth any sum of Money, Fee, or Reward. He the said Duke did, in or about the Moneth of *January* in the Sixteenth year of the late King *James* of Famous memory, give and pay to the Right Honorable *Charles*, then Earl of *Nottingham*, for the Office of Great Admiral of *England* and *Ireland*, and the Principality of *Wales*, and for the Office of General-Governor of the Seas and Ships of the said Kingdoms, and for the Surrender of the said Offices, then made to the said King by the said Earl of *Nottingham*, being then Great Admiral of the said Kingdoms, and Principality, and General-Governor of the Seas and Ships, to the intent the said Duke might obtain the said Offices to his own use, the sum of Three thousand pounds of lawful Money of *England*; E F

England; and did also about the same time, procure from the said King a further Reward for the Surrender of the said Office to the said Earl, of an Annuity of One thousand pounds by the year, for and during the life of the said Earl; and by the procurement of the said Duke, the said late King of Famous memory, did by his Letters Patents dated the Seven and twentieth of *January*, in the said year of his Reign, under the Great Seal of *England*, grant to the said Earl the said Annuity; which he the said Earl accordingly had and enjoyed, during his life, and by reason of the said sum of Money, so as aforesaid paid by the said Duke. And of his the said Dukes procurement of the said Annuity, the said Earl of *Nottingham* did in the same Moneth surrender unto the said late King, his said Offices and his Patents of them; and thereupon, and by reason of the premisses, the said Offices were obtained by the Duke for his life, from the said King of Famous Memory, by Letters Patents made to the said Duke, of the same Offices, under the Great Seal of *England*, dated the Eight and twentieth day of *January*, in the said Sixteenth year of the said late King. And the said Offices of Great Admiral and Governor as aforesaid, are Offices that highly touch and concern the Administration and Execution of Justice, within the provision of the said Laws and Statutes of this Kingdom; which notwithstanding, the said Duke hath unlawfully ever since the first unlawful obtaining of the said Grant of the said Offices, retained them in his hands, and exercised them against the Laws and Statutes aforesaid.

III. The said Duke did likewise in or about the beginning of the Moneth of *December*, in the Two and twentieth year of the said late King *James* of Famous memory, give and pay unto the Right Honorable *Edward* late Lord *Zouch*, Lord Warden of the Cinque Ports, and of the Members thereof, and Constable of the Castle of *Dover*, for the said Offices, and for the Surrender of the said Offices of Lord Warden of the Cinque Ports, and Constable of the said Castle of *Dover*, to be made to the said late King of Famous memory, the sum of One thousand pounds of lawful Money of *England*; and then also granted an Annuity of Five hundred pounds yearly to the said Lord *Zouch*, for the life of the said Lord *Zouch*; to the intent that he the said Duke might thereby obtain the said Offices to his own use. And for, and by reason of the said sum of Money so paid by the said Duke, and of the said Annuity so granted to the said *Edward* Lord *Zouch*, he the said Lord *Zouch* the Fourth day of *December*, in the year aforesaid, did surrender his said Offices, and his Letters Patents of them to the said late King: And thereupon and by reason of the premisses, he the said Duke obtained the said Offices for his life, from the said late King, by his Letters Patents under the Great Seal of *England*, dated the Sixth day of *December*, in the said Two and twentieth year. And the said Office of Lord Warden of the Cinque Ports, and of the Members thereof, is an Office that doth highly touch and concern Administration and Execution of Justice; and the said Office of Constable of the Castle of *Dover*, is an Office that highly concerneth the keeping and defence of the Town and Port, and of the said Castle of *Dover*, which is and hath ever been appointed for a most eminent place of strength and defence of this Kingdom; which notwithstanding, the said Duke hath unlawfully ever since this first unlawful obtaining of the said Office, retained them in his hands, and exercised them against the Laws and Statutes aforesaid.

His buying
the Cinque
Ports of the
Lord *Zouch*.

An. 1626.

The first Article enlarged by Mr. Herbert.

The second and third enlarged by him.

His neglect of guarding the Seas.

These Three Articles were discoursed upon by Mr. *Herbert*, and touching *Plurality of Offices*, he observed, That in that vast power of the Duke (a yong unexperienced man) there is an unfortunate complication of Danger and Mischeif to the State, as having too much ability, if he be false, to do harm, and ruine the Kingdom; and if he be faithful, and never so industrious, yet divided amongst so many great places (whereof every one would employ the industry of an able and provident man) there must needs be in him an insufficiency of performance, or rather an impossibility, especially considering his necessary attendance likewise upon his Court places.

To the Second and Third, namely, *The buying the Office of Admiralty and Cinque-Ports* (both which he comprised in one) he said, That to set a price upon the Walls and Gates of the Kingdom, is a Crime which requires rather a speedy remedy than an aggravation, and is against the exprefs Law of 5 *Edw. 6.* upon this foundation, *That the buying of such places doth necessarily introduce corrupt and insufficient Officers.* And in the Parliament of 12 *Edw. 4.* it is declared by the whole Assembly, *That they who buy those places* (these are the exprefs words) *binde themselves to be Extortioners and Offenders*; as if they pretended it warrantable, or as if they did lay an Obligation upon themselves to sell again. And though the buying of such places be not against any particular Law enjoining a penalty for them (the breach whereof is a particular Offence) yet as far as they subvert the good, and welfare, and safety of the people; so far they are against the highest Law, and assume the nature of the highest Offences.

IV. Whereas the said Duke by reason of his said Offices of Great Admiral of the Kingdoms of *England* and *Ireland*, and of the Principality of *Wales*, and of Admiral of the Cinque Ports, and General Governor of the Seas and Ships of the said Kingdoms; and by reason of the trust thereunto belonging, ought at all times since the said Offices obtained, to have safely guarded, kept, and preserved the said Seas, and the Dominion of them; and ought also whensoever there wanted either Men, Ships, Munition, or other strength whatsoever that might conduce to the better safeguard of them; to have used from time to time, his utmost endeavor for the supply of such wants to the Right Honorable, the Lords and others of the Privy Council, and by procuring such supply from his Sovereign, or otherwise: He the said Duke hath ever since the dissolution of the two Treaties mentioned in the Act of Subsidies of the One and twentieth year of the late King *James* of Famous memory (that is to say) the space of Two years last past, neglected the just performance of his said Office and Duty, and broken the said Trust therewith committed unto him: And hath not according to his said Offices, during the time aforesaid, safely kept the said Seas, insomuch that by reason of his neglect and default therein, not onely the trade and strength of this Kingdom of *England* hath been during the said time much decayed, but the same Seas also have been, during the same time, ignominiously infested by Pirates and Enemies, to the loís both of very many Ships and Goods, and of many of the Subjects of our Sovereign Lord the King; and the Dominion of the said Seas (being the antient and undoubted Patrimony of the Kings of *England*) is thereby also in most eminent danger to be utterly lost.

V. Whereas

2 Caroli.

His taking a
Ship called
St Peter of
Newhaven.

V. Whereas about *Michaclmas* last past, a Ship called the *St Peter* of *Newhaven*, (whereof *John Mallerow* was Master) laden with divers Goods, Merchandise, Monies, Jewels and Commodities, to the value of Forty thousand pounds or thereabouts, for the proper accompt of Monsieur *de Villieurs*, the then Governor of *Newhaven*, and other Subjects of the French King, being in perfect Amity and League with our Sovereign Lord the King, was taken at Sea by some of the Ships of his Majesties late Fleet, set forth under the command of the said Duke, as well by direction from him the said Duke as great Admiral of *England*, as by the Authority of the extraordinary Commission which he then had for the command of the said Fleet, and was by them, together with her said goods and lading brought into the Port at *Plymouth*, as a prize among many others, upon probabilities that the said Ship or Goods belonged to the Subjects of the King of *Spain*: And that divers parcels of the said goods and lading were there taken out of the said Ship of *St Peter*; (that is to say) Sixteen Barrels of *Cocheneal*, Eight Bags of Gold, Twenty three Bags of Silver, two Boxes of Pearl and Emeralds, a Chain of Gold, Jewels, Monies and Commodities to the value of Twenty thousand pounds or thereabouts, and by the said Duke were delivered into the private custody of one *Gabriel Marsh*, servant to the said Duke; and that the said Ship with the residue of her goods and lading was from thence sent up into the River of *Thames*, and there detained; whereupon there was an arrest at *Newhaven* in the Kingdom of *France* on the seventh day of *December* last, of two English Merchants Ships trading thither, as was alleadged in certain Petitions exhibited by some English Merchants trading into *France*, to the Lords and others of his Majesties most honorable Privy-Council; after which (that is to say) on the 28 day of the said moneth, his Majesty was pleased to order, with the advice of his Privy-Council, that the said Ship and Goods belonging to the Subjects of the French King should be redelivered to such as should re-claim them, and accordingly intimation was given unto his Majesties Advocate in the chief Court of Admiralty by the right honorable Sir *Fo. Cook* Knight, one of his Majesties principal Secretaries of State, for the freeing and discharging of the said Ship and Goods in the said Court of Admiralty: And afterwards, that is to say, on the Six and twentieth of *January* last, it was decreed in the said Court by the Judge thereof, with the consent of the said Advocate, That the said Ship with whatsoever Goods so seised or taken in her, (Except Three hundred *Mexico* Hides, Sixteen Sacks of Ginger, one Box of gilded Beads, Five Sacks of Ginger more mentioned in the said Decree) should be clearly released from further detention, and delivered to the Master; and thereupon under Seal a Commission was in that behalf duly sent out of the said Court to Sir *Allen Appelly*, Sir *John Worstenholme* and others, for the due execution thereof: The said Duke, notwithstanding the said Order, Commission and Decree, detained still to his own use the said Gold, Silver, Pearls, Emeralds, Jewels, Monies and Commodities so taken out of the said Ship as aforesaid: And for his own singular avail and covetousness, on the sixth day of *February* last, having no information of any new proof, without any legal proceeding, by colour of his said Office, unjustly caused the said ship and goods to be again arrested and detained, in publick violation and contempt of the Laws and Justice of this Land, to the great disturbance of Trade, and prejudice of the Merchants.

An. 1626.

The fourth
Article en-
larged by
Mr Selden.

These were enlarged by Mr *Selden*, who said, That by nature of his Office the Duke as Admiral ought to have guarded the Seas: By his Patent he is made *Magnus Admirallus Angliæ, Hiberniæ & Walliæ, Normaniæ, Aquitaniæ, Villæ Calesij, & Marchiarum ejusdem, & præfectus generalis classium Marium dictorum regnorum*. The Seas of *England* and *Ireland* are committed to the Admiral, as a part of the Demesne and Possessions of the Crown of *England*; not as if he should thereby have Jurisdiction onely, as in case of the Admirals in *France* or *Spain*. The State of *Genoa*, *Catalonia*, and other Maritime parts of *Spain*, the Sea-Towns of *Almain*, *Zeland*, *Holland*, *Friesland*, *Denmark*, *Norway*, and divers other parts of the Empire, shew, That the Kings of *England*, by reason that their said Realm hath used, time out of minde, to be in peaceable possession, are Lords of the Seas of *England*, and of the Islands belonging to them. And though *Grotius* that *Hollander* wrote of purpose to destroy all Dominion in the East-Ocean; yet he speaks nothing against the Dominion of our English Seas, howsoever he hath been misapprehended; but expressly elsewhere saith, *Meta Britannicis littora sunt oris*; the utmost limits of the Demesne of the Crown of *England*, are the Shores of the neighbouring Countries; the whole Sea, or the *Territorium maximum* that intervenes, being parcel of the possession of the Crown: the keeping and safe-guard of these committed to the Lord Admiral by the name of the *Præfectus Marium & Admirallus*, being but the same anciently: Before the use of the word Admiral came in, which was under *Edw. 1.* the Admirals had the Titles of *Custodes Maris*.

And this *Præfectura* or *Custodia*, or Office of safe-guarding the Seas, binds him to all care and perpetual observance of whatsoever conduceth to that safe-guard, as in *Custos sigilli*, *Custos Marchiarum*, *Custos portium*, & *custos comitatum*, agreeable to the practice of former times.

1. In certifying yearly to the King, and his Council, the many Forces both of the Kings ships, and ships of Merchants, the names of the owners, the number of Marriners, &c. That the King and his Council may always know his force by Sea.

2. In shewing wants of ships &c. for the safe-guarding of the Seas, with the Estimates of the Supply, that so they might be procured. In personal attendance upon the service of guarding the Seas upon all occasions of weight: In 7 H. 4. *Nich. Blackburn*, and *Rich. Cliderowe* one of the Knights of *Kent* were made Admirals for keeping the Seas, upon consideration had of it in Parliament, and the other Knight being *Robert Clifford*, it was agreed in Parliament that he should have the voices of both, because the other must of necessity be absent: And they both amongst other things petitioned the Council, that if the King in his Person should come on the Sea, they might have such a liberty to wait upon him, as they might make their Lieutenant during the time for the service of their places. But the Council that allowed the rest, or most of their demands, answered to that, *Le Council ne pent faire*.

Then he estimated the nature of the offence, by the consequences which follow the not guarding of the Seas. viz. 1. The losses already shewed. 2. The prevention of Trade, which gives life to the wealth of the Kingdom. 3. The weakning of the Naval strength, the Merchants being thereby discouraged from building ships which they cannot use. In 1 *Rich. 2.* the Commons opened the two chief and almost whole Causes of the weakning the Kingdom at that time; the neglect of Chivalry and eminent vertue not regarded nor rewarded; the decay of Trade since the Navy was grown weak,

weak, besides all the loss of quiet possession of so large a Territory as the Seas of *England* and *Ireland*, by the free use of which the ancient glory and greatness of the Crown of *England* hath so constantly subsisted.

Then he instanced in *Michael de la Pool*, Lord Chancellor, who in 9 Rich. 2. mis-spent Subsidies given *pro salva custodia maris*, as appears in the Roll, and was adjudged in Parliament (though for other offences, because some other Lords of the Council had been trusted with him, and it was not fit to impeach him *sans les companions*) they taking it for a crime without question fit to be complained of.

Secondly, in *William Duke of Suffolk*, who for the same fault, being Admiral onely in the right of *Henry Earl of Exeter* his Ward, was by the King extraordinarily commanded into banishment.

Then he brought examples of such who had been put to death, and confiscated for not safe-guarding Towns, and Castles, and Forts, which are of like nature with not safe-guarding the Seas, and with losing the possession of the Crown.

To the Fifth he said, The staying of the ship called the *Peter* of *Newhaven*, and detaining part of the goods, was against the Marine Laws of *England*, against the Common Laws, against the Laws of Merchants, and consequently the Law of Nations.

By the Marine Laws agreeable to the Civil Laws, sentence given by any Subject or other against the King, may upon new proof be revoked, but not without new proof. He made by his Patent a Judge of all Maritime Causes, as well as Keeper of the Seas, his Jurisdiction was to be exercised *juxta leges nostras civiles & Maritimas*, and accordingly to hear all Causes, and generally to proceed *ex officio mero mixto & promotu secundum leges nostras Civiles & Maritimas*.

Against the Common-Laws,

All Justices and all other deputed to do Law or Right, are commanded by Act of Parliament to permit the course of ordinary Justice; and although they be commanded to do the contrary, that they do execution aright, and according to justice as far as in them lies, and so for any Letters of Commandment which may come unto them from us, or from any other, or by any other cause.

Against the Law of Nations.

Against what is agreed by the Leagues between us and Forain Nations, That the Subjects of Nations in Amity with us shall be well used, and permitted without Molestation, for what cause or occasion soever, according to the Laws and Customs of the places where they shall be.

Lastly, against the Laws of Merchants which is to have *Celerem justitiam*.

The Consequences of this Offence are;

1. Great damage to our English Merchants, that have suffered by reason of it in Forain Parts, as they alleadge. 2. It is a discouragement to those that are Subjects to the Marine Jurisdiction. 3. An example that may serve hereafter to justify all absolute Authority in the Admiral, without Law or Legal course, over the ships and good of all Merchants whatsoever, and so no security to Merchants. Lastly, He instanceth in the Duke of *Suffolk*, who was adjudged in Parliament for Treason, and among other offences it was laid to his charge, that he took to his own use goods Piratically taken, and expressly against the Order determined by the Lord Protector and the whole Council, whereunto his hand had been for the restitution of them.

Next were read the Sixth, Seventh and Eighth Articles; viz.

The Fifth Articles enlarged by Mr Selden.

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VI. Whereas the honor, wealth, and strength of this Realm of England is much increased by the Traffick, chiefly of such Merchants as imploy and build great warlike Ships, a consideration that should move all Counsellors of State, especially the Lord Admiral to cherish and maintain such Merchants.

The said Duke abusing the Lords of the Parliament in the One and twentieth year of the late King *JAMES* of famous memory, with pretence of serving the State, did oppress the East-*India* Merchants and extorted from them Ten thousand pounds, in the subtil and unlawfull manner following.

About *February* in the year aforesaid, he the said Duke hearing some good success that those Merchants had at *Ormuz*, in the parts beyond the Seas, by his Agents cunningly in or about the moneth aforesaid in the year of the said late King, endeavored to draw from them some great sum of money, which their poverty, and no gain by that success at *Ormuz* made those Merchants absolutely to deny; whereupon he the said Duke perceiving that the said Merchants were then setting forth in the course of their Trade, four Ships, and two Pinaces laden with goods and merchandise of very great value, like to lose their voyage if they they should not speedily depart. The said Duke on the first of *March* then following, in the said year of the said late King, did move the Lords then assembled in the said Parliament, whether he should make stay of any Ships which were then in the Ports, (as being high Admiral he might) and namely, those ships prepared for the East-*India* voyage, which were of great burthen and well furnished; which motion being approved by their Lordships, the Duke did stay those ships accordingly; but the fifth of *March* following, when the then Deputy of that Company, with other of those Merchants, did make suit to the said Duke for the release of those Ships and Pinaces; he the said Duke, said he had not been the occasion of their staying, but that having heard the motion with much earnestness in the Lords House of Parliament, he could do no less then give the order they had done; and therefore he willed them to set down the reasons of their suit, which he would acquaint the House withall, yet in the mean time he gave them leave to let their said ships and Pinaces sail down as low as *Tilbury*. And the tenth of *March* following an unusual joynt action was by his procurement entred in the chief Court of Admiralty, in the name of the said late King and of the Lord Admiral, against them for Fifteen thousand pound taken Piratically by some Captains of the said Merchants ships, and pretended to be in the hands of the East-*India* Company; and thereupon the Kings Advocate in the name of Advocate for the then King and the said Lord Admiral, moved and obtained one Attachment, which by the Serjeant of the said Court of Admiralty was served on the said Merchants in their Court the sixteenth day of *March* following; whereupon the said Merchants, though there was no cause for their molestation by the Lord Admiral, yet the next day they were urged in the said Court of Admiralty to bring in the Fifteen thousand pounds, or go to prison: wherefore immediately the Company of the said Merchants did again send the Deputy aforesaid and some others to make new suit unto the said Duke for the release of the said Ships and Pinaces; who unjustly endeavoring to extort money from the said Merchants, protested that the Ships should not go except they compounded with him; and when they urged many more reasons for the release of the said Ships and Pinaces, the Answer of the said Duke was, That the then Parliament must

first

first be moved. The said Merchants therefore being in this perplexity, and in their consultation, the three and twentieth of that moneth, even ready to give over that Trade, yet considering that they should lose more then was demanded by unlading their ships, besides their voyage, they resolved to give the said Duke Ten thousand pounds for his unjust demands. And he the said Duke by the undue means aforesaid, and under colour of his Office, and upon false pretence of Rights, unjustly did exact and extort from the said Merchants the said Ten thousand pounds, and received the same about the 28. of *April* following the discharge of those Ships, which were not releas'd by him till they the said Merchants had yielded to give him the said Duke the said Ten thousand pounds for the said Release, and for the false pretence of Rights made by the said Duke as aforesaid.

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VII. Whereas the Ships of our Sovereign Lord the King, and of his Kingdoms aforesaid, are the principal strength and defence of the said Kingdoms, and ought therefore to be always preserved and safely kept under the command, and for the service of our Sovereign Lord the King, no less then any the Fortresses and Castles of the said Kingdoms; And whereas no Subject of this Realm ought to be dispossessed of any his Goods or Chattels without order of Justice, or his own consent first duly had and obtained: The said Duke being Great Admiral of *England*, Governor-General and Keeper of the said Ships and Seas, and thereof ought to have and take a special and continual care and diligence how to preserve the same; The said Duke in or about the end of *July* last, in the first year of our Sovereign Lord the King, did under the colour of the said Office of Great Admiral of *England*, and by indirect and subtle means and practices, procure one of the principal Ships of his Majesties Navy-Royal called the *Vanguard*, then under the Command of Captain *John Pennington*, and six other Merchants Ships of great burden and value, belonging to several Persons inhabiting in *London*, the Natural Subjects of his Majesty, to be conveyed over with all their Ordnance, Munition, Tackle and Apparel, into the parts of the Kingdom of *France*, to the end that being there, they might the more easily be put into the hands of the French King, his Ministers and Subjects, and taken into their possession, command and power; And accordingly the said Duke by his Ministers and Agents, with menaces and other ill means and practices, did there without order of Justice, and without the consent of the said Masters and Owners, unduly compel and inforce the said Masters and Owners of the said six Merchants Ships, to deliver their said Ships into the said possession, command and power of the said French King, his Ministers and Subjects; and by reason of his compulsion, and under the pretext of his power as aforesaid, and by his indirect practices as aforesaid, the said Ships aforesaid, as well the said Ship Royal of his Majesty, as the others belonging to the said Merchants, were there delivered into the hands and command of the said French King, his Ministers and Subjects, without either sufficient security or assurance for redelivery, or other necessary caution in that behalf taken or provided either by the said Duke himself, or otherwise by his direction; contrary to the duty of the said Offices of Great Admiral, Governor-General, and Keeper of the said Ships and Seas, and to the faith and trust in that behalf reposed, and contrary to the duty which he oweth to our Sovereign Lord the King in his place of Privy-Counsellor, to the apparent weakening of the Naval strength of this Kingdom, to the great

His delivering
Ships into the
hands of the
King of
France.

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Those ships to
be used to his
knowledge
against *Rochel*.

great loss and prejudice of the said Merchants, and against the liberty of those Subjects of our Sovereign Lord the King that are under the Jurisdiction of the Admiralty.

VIII. The said Duke, contrary to the purpose of our Sovereign Lord the King, and his Majesties known zeal for the maintenance and advancement of the true Religion established in the Church of *England*, knowing that the said Ships were intended to be employed by the said French King against those of the same Religion at *Rochel* and elsewhere in the Kingdom of *France*, did procure the said Ship Royal, and compel as aforesaid the said six other Ships to be delivered unto the said French King, his Ministers and Subjects as aforesaid, to the end the said Ships might be used and employed by the said French King in his intended War against those of the said Religion in the said Town of *Rochel* and elsewhere within the Kingdom of *France*: And the said Ships were and have been since so used and employed by the said French King, his Ministers and Subjects, against them. And this the said Duke did as aforesaid in great and most apparent prejudice of the said Religion, contrary to the purpose and intention of our Sovereign Lord the King, and against his duty in that behalf, being a sworn Counsellor to his Majesty, and to the great scandal and dishonor of this Nation. And notwithstanding the delivery of the said Ships by his procurement and compulsion as aforesaid, to be employed as aforesaid, the said Duke in cunning and cautelous manner to mask his ill intentions, did at the Parliament held at *Oxford* in *August* last, before the Committee of both Houses of Parliament, intimate and declare, that the said Ships were not, nor should they be so used and employed against those of the said Religion as aforesaid, in contempt of our Sovereign Lord the King, and in abuse of the said Houses of Parliament, and in violation of that Truth which every man should profess.

These three Articles were aggravated by Mr. *Glanville*.

Mr. *Glanville*
enlargeth the
Sixth Article.

“MY Lords (said he) In this great business of Impeachment against the Duke of *Buckingham*, I am commanded by the Commons in Parliament to bear a part of some importance.

“The Articles allotted to my Charge are three, the Sixth, Seventh, and Eighth; which I shall open with as much brevity and perspicuity as I may: The substance of several Cases concerning the same; The Evidence to make them good, together with such Observations as naturally arise out of the matter; whereby your Lordships may the better discern wherein the Dukes faults do consist, and what punishment may be answerable to such offences.

“The Sixth Article is a distinct Charge different from the other two; wherefore I will handle it, with the Incidents thereof, by it self. The Seventh and Eighth Articles being of one nature and subject, are indeed several parts of one Charge, rather then several Charges, and have such a connexion in themselves, that with your Lordships leaves I will handle them both together without dividing them, which I hold will be the shortest and fittest way to do right to the Cause, and to your Lordships.

“The Sixth Article giveth me occasion (my Lords) thus to enlarge my self. In a Treaty the 18. of *August* 1604. between our late Sovereign King *James* of glorious memory, and *Philip* the Third King of *Spain*,

“It

A “ It was agreed, That there should be perfect Amity and Peace to endure
 “ for ever by Land, Sea, and Fresh-waters, between these Kings, their
 “ Heirs and Successors, their Dominions, Liege-men and Subjects then
 “ being, or which should be ; And that either party should then after ab-
 “ stain from all depra-dations, offences and spoils, by Sea, Land, and
 “ Fresh-waters, in what Dominions or Government soever of the other,
 “ and should cause restitution to be made of all depra-dations which then
 “ after should be committed, and the damages growing by means thereof ;
 “ And that the said Kings shall take care that their Subjects should from
 “ thenceforth abstain from all force and wrong-doing, and that they like-
 “ wise should revoke all Commissions and Letters-Patents of Reprisal or
 “ Mart, or otherwise, containing Licence to take Prizes ; All which are
 “ declared by the said Treaty it self to be void, and that whosoever should
 “ do any thing contrary should be punished not only criminally according
 “ to the merit of his offence, but should also be compelled to make resti-
 B “ tution and satisfaction for the losses to the parties damnified requiring
 “ the same. Lastly it was concluded, That between them and every of
 “ their Subjects might be free Commerce in all the Dominions by Sea,
 “ Land, and Fresh-waters, in which before the Wars there hath been
 “ Commerce, and according to the use and observance of the ancient
 “ Leagues and Treaties before the Wars, the Customs as they were
 “ at that present rated according to the Ordinance of the Places be-
 “ ing paid.

C “ This Treaty being settled and continuing, his late Majesty King
 “ James by his Highness Letters-Patents bearing date the 14. of Sep-
 “ tember, An. 13. of his Reign, did grant unto the Governors of the Mer-
 “ chants of London trading into the East-Indies, and to their Successors,
 “ in case they be justly provoked or driven thereunto, in defence of their
 “ persons, goods or ships, by any disturbance or hinderance in their quiet
 “ Course of Trade, or for recompence or recovery of the persons, ships
 “ or goods of any of his Majesties Subjects that had been formerly in,
 D “ or neer the East-Indies, or for any other just cause of their defence, or
 “ recompence of losses sustained ; That then the Captains or principal
 “ Commanders of the said Company, or any other under their govern-
 “ ment, should or might attempt, surprize, or take the persons, ships
 “ and goods of any Prince or State, by whose Subjects they should sustain
 “ any wrong or loss in manner as aforesaid, as by the said Letters-Patents
 “ appeareth: Some years after the granting of these Letters-Patents, under
 “ pretext that the said Treaty was broken, there was some interruption
 E “ and violence offered by the King of Spain's Subjects in the Ports of East-
 “ India to the Merchants of the East-India Company trading into those
 “ parts, whereby they were much damnified ; and thereupon suspecting
 “ that it might be in vain to complain for redress in an ordinary course
 “ of Justice in the East-India, or in default thereof to return into Spain
 “ to make complaint to that purpose, where nothing was likely to be
 “ done till they had sent from thence again into the East-Indies, and
 “ received an answer ; And after all this, upon denial of Justice in Spain,
 F “ to come into this Kingdom for Letters of Request, without which in
 “ ordinary course they should not use Reprisal, and many years would
 “ be spent before they could come to have an end of these suits ; It is
 “ true that thereupon, partly in their defence, and partly for amends,
 “ and partly for revenge, they did by pretext of the said Letters-Patents
 “ take some goods of the Portugals in the East-Indies, Subjects to the
 “ King

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“ King of *Spain* ; and afterwards being commanded by the King of
 “ *Persia* to transport certain Forces of his in *Ormus* an Island situate in
 “ the Country of *Persia*, some goods of *Portugals* subjects to the King
 “ of *Spain* were there taken by Captain *Blith* and Captain *Wedel*, and
 “ others of their Company, being servants and in pay under the *East-*
 “ *India* Company.

“ In *July* 1623. Two ships called the *Lyon* and the *Fonas*, being
 “ part of a Fleet belonging to the said Company, returned from *Ormus*
 “ aforesaid out of an East-Indian Voyage, and arrived in the Downs
 “ richly laden with goods and merchandise lawfully belonging to the
 “ said Company, and estimated to the value of One hundred thousand
 “ pounds. The Duke of *Buckingham*, in or about *October* 1623. being
 “ advertised thereof, well knowing the Company to be rich, and appre-
 “ hending in himself a probable ground how he might exact and extort
 “ some great sum of money from the said Company out of the profit of
 “ these ships and their lading, by colour of his Office of Lord Admiral
 “ of *England*, and out of his power and greatness, his Office being used
 “ for a groundwork of his design therein, did thereupon pretend that
 “ the lading of the said ships was for the most part with goods Pyrati-
 “ cally taken at Sea in the parts about *Ormus* aforesaid, and that a Tenth
 “ part or some other great share thereof did belong to him in the right
 “ of his said Office of Lord Great Admiral of *England*, and by vertue
 “ of his Letters-Patents and Grant from his late Majesty in that behalf;
 “ alleading withall, howsoever the said Company might peradventure
 “ answer the matter, yet there would and might be strong opposition
 “ against them. These words were used to possess them with fear, and to
 “ make them stand in awe of his power, when he should come afterwards
 “ particularly to press them to yield to his unjust demands. Having once
 “ resolved of his ends, which was to get money, he thus proceeded to
 “ effect the same. In the moneths of *November*, *December*, *January* and
 “ *February* then next following, he had divers times Treaties by himself
 “ and his Agents with the then Governor and others of the said
 “ Company, for the effecting of his said designs; wherein he still un-
 “ lawfully pretended that a Tenth part, or some other great share out of
 “ the Lading of the said ships belonged unto him; albeit the said Com-
 “ pany upon right information of their Cause to their Council, both
 “ Civilians and Common-Lawyers, were advised that there did no
 “ Tenths or other such shares belong to the said Duke, as he pre-
 “ tended.

“ And whereas the said Duke by this time finding that he could not
 “ prevail to get his Ends by any fair course, continued yet resolute to
 “ make his gain upon the Company by right or wrong, as he might;
 “ and to that purpose made use of the following opportunities and ad-
 “ vantages, in such cunning and abusive manner as I shall further open
 “ to your Lordships. The said Duke well knowing that the said Com-
 “ pany had then four Ships, called the *Great James*, the *Fonas*, the *Star*,
 “ and the *Eagle*, and two Pinaces called the *Spy* and the *Scout*, the said
 “ Ships and Pinaces, with their Victuals, Store and Ordnances, were
 “ of the value of Fifty four thousand pounds and more, laden with
 “ Lead, Cloth, and other Merchandise in them to the value of Twenty
 “ thousand pounds and more, and having in them also about Thirty
 “ thousand pounds in Royals of Spanish money; in all, One hundred
 “ thousand pounds and more.

“ These

“ These Ships and Pinnaces were well near ready to set sail for a
 “ Voyage into the *East-Indies* by the first day of *March*, in the One and
 “ twentieth year of his said late Majesties reign; and he well-knowing
 “ how great a hinderance it would be to the said Company, if the said
 “ Ships and Pinnaces should be stayed for any long time, the rather in
 “ regard if they did not set sail about that time of the year, or within
 “ Twenty days after, they had utterly lost their voyage for that year;
 A “ the reason thereof dependeth upon a Secret of Winds, called the *Man-*
 “ *sounds*, which are constantly six moneths Easterly, and six moneths
 “ Westerly every year at their set times in those parts of *Africa*, about
 “ the Cape of *Bona Speranza*; (for of those Winds, all Ships going from
 “ hence into the *East-Indies*, are to make their use in the usual and due
 “ time, which yet cannot be done, if men take not their opportunity by
 “ coming to the Cape in their proper and due season, and in so long and
 “ dangerous a voyage wherein the Equinoctial Line is twice to be passed,
 B “ it is no good discretion to stay the utmost time in going from hence, in
 “ confidence of fair Winds, but rather to take time enough before-hand,
 “ for fear of the contrary: Nor can the Lord Admiral of *England*, who
 “ is *Custos marium domini Regis*, and hath jurisdiction of all foreign parts
 “ *super altum mare* be admitted to pretend himself ignorant of this Secret,
 “ or of any other particulars belonging to the Seas and Voyages.) The
 “ Duke therefore apprehending and well weighing how great a hinder-
 “ ance, or rather what an absolute loss it would be to the company if
 C “ these their Ships and Pinnaces of so great value, and bound forth in so
 “ instant, and difficult a voyage, should be stayed for any long time now
 “ they were ready to set sail, and the season of going upon point to ex-
 “ pire: The said Duke upon the said First day of *March*, 1623. to effect
 “ his designs upon the said Company, and to get that by circumvention
 “ and surprisal, which in a legal and due course of Justice he had not hopes
 “ to obtain: Not thinking it sufficient, that the sense of his displeasure
 “ lying over the Company as an ominous cloud threatening a storm, if
 D “ they did not appease him by some great sacrifice; and to cast them
 “ yet further into a farther streight, not sparing to abuse your Lordships
 “ in Parliament, by making you unwilling Instruments to give colour and
 “ advantage to his secret and unlawful practises. Upon the said First day
 “ of *March*, he put your Lordships sitting in Parliament in minde, touch-
 “ ing the great business likely to ensue upon dissolution of the then
 “ Treaties with *Spain*, and that a speedy resolution thereof was necessa-
 “ rily required, for that the Enemy would pretermitt no time; and if we
 E “ should lose the benefit of that Spring, he said it would be irrevok-
 “ able; and thereupon he took occasion to move that House, Whether
 “ he should make stay of any shipping that were then in the Ports (as be-
 “ ing High Admiral he might) and namely, the said Ships prepared for
 “ the *East-Indian* Voyage, which were of great burthen, well furnished,
 “ and fit to guard our own Coasts: Which motion was generally ap-
 “ proved of the whole House, knowing nothing of the Dukes secret
 “ designs and private intentions. And the same day a Motion was made
 F “ amongst the Commons in Parliament to the same effect by Sir *Edward*
 “ *Scymour* Knight, the Vice-Admiral to the Duke of the County of
 “ *Devon*; which, in respect of the timewhen, and person by whom it
 “ was propounded, is very suspicious, that it issued all from one Spirit,
 “ and that he was set on, by the Duke, or some of his Agents; the truth
 “ whereof, your Lordships may be pleased to search out and examine as

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“you shall see cause. By colour of this Order of the Lords House of Parliament, the Duke caused *John Pexal*, Marshal of the Admiralty, to make stay to be made of the said Ships and Pinnaces; howbeit, notwithstanding all the occasion pretended for the defence of the Realm, there were not any other Ships staid at this time.

“The Company perceiving by the course of things, from whence their Evils moved, upon the Fifth of *March*, 1623. became earnest Suitors to the said Duke for a Releasement of their said Ships and Pinnaces, whereunto the said Duke replied, That he had not been the cause of their stay; but having heard the Motion in the Lords House, he could do no less then order as they had done: Yet to incline his ends, and put them in some hope of favor by his means, he told them withal, That he had something in his Pocket that might do them good, and willed them to set down what Reasons they would for their Suit, and he would acquaint the House therewith: Nevertheless about this time he presumed of himself at *Theobalds* to give leave for the Ships and Pinnaces to fall down as far as *Tilbury*, there to attend such further Directions as should be given unto them, with leave so to signifie by word of mouth to the Serjeant of the Admiralty, for that the Duke had then no Secretary with him. Thus some while by threatning of strong oppositions and terrors, and other while by intimating hopes of favor, and good assistance, the Duke sought to accomplish his purpose, yet prevailed not; and so the Tenth of *March*, 1623. the Kings Advocate, Mr. Dr. *Reeves*. as Advocate for the King, and Lord Admiral, made Allegation in the Admiralty on the Dukes behalf; and by his procurements, that it appeared by Examinations there taken, that 150000 l. and more Pyrat- tically taken by the said Captain *Blith*, and *Wedel*, and their Complices upon the Sea near *Ormuz*, and in other parts within the jurisdiction of the Admiralty, was come into the Possessions of the Treasurers of the *East-India* Company, and remained in their hands, and prayed it might be attached; and the said Treasurers be monished to appear the Wednesday then next following, and there to bring in the 150000 l. to remain in Deposit with the Register of that Court.

“The same Tenth of *March* a Warrant issued forth accordingly, directed to the Marshal of the said Court; and upon the said next Wednesday the Seventeenth of *March*, the same Warrant was returned by the said Marshal, That the day before he had attached the said Moneys in the hands of Mr. *Stone*, then present in the Court, and had admonished him, and Mr. *Abbot* the Deputy-Governor of that Company, and divers others then present, to bring in the same into Court. Upon the same Wednesday also it was prayed by the Kings Advocate, That Mr. *Stone* and all that had an interest in this money, might be pronounced as in Contumacy, and therefore be arrested and detained until 150000 l. were brought into the Register. Hereupon Sentence of Contumacy was pronounced, but the payment thereof was respited until Friday following. Upon which Seventeenth of *March* this Sentence being pronounced, Mr. *Stone*, Mr. *Abdy*, and others, Officers of the said Company then present, informed how the Governor was lately dead, and buried but the day before, and that upon Wednesday then next following, they had appointed a Court for Election of a new Governor, and until then they could resolve of nothing, and therefore desired further respite. The Advocate nothing relenting at this reasonable excuse, and desire of the Company, did again earnestly press their

A “ their Imprisonment ; but the Judge took time to consider of it. The
 “ Company finding by these extraordinary and extream courses, the
 “ drift of the Duke, whose greatness and power seemed unresistable, and
 “ his minde implacable without satisfaction to his own content, and with-
 “ al observing what a streight they were cast into by reason of the stay of
 “ their Ships ; which, if it were much longer, they must needs lose their
 “ Voyage utterly for this year, and the very unloading of them would
 “ endamage them to the value of the sum extorted : And being told that
 “ the Eye of the State was upon this business, and that it would light
 “ heavy upon them ; and hearing the Duke protest their Ships should
 “ not go, unless they compounded with him, and finding that he made
 “ difficulty of releasing their Ships, by saying, The Parliament must be
 “ moved before they could be discharged, albeit the wind were now fair
 “ for them. And making overture of some reasonable grounds of com-
 “ position, by offering to grant Letters of Mart to the said Company for
 “ the future against the Subjects of the King of *Spain*, while yet the
 “ Peace and Treaty between his late Majesty, and the King of *Spain*,
 “ were not broken or dissolved.

B “ The said Company being intangled by the Dukes subtilty, and
 “ overcome at last by the terror of his power and greatness, was drawn
 “ to make offer of Six thousand pounds to the said Duke, which was
 “ rejected as a base offer : And now the time pressing them on very hard,
 “ some consultations were had amongst them, Whether it were better
 “ for them to make use of a clause in their Patent, allowing them three
 “ years to draw home their Estates ; and so to let their Company die,
 “ and bedissolved, or else to yeild to the Dukes desire : Yet in conclusi-
 “ on they were drawn in to offer him Ten thousand pounds for their peace,
 “ if it could serve, which offer was made unto him accordingly, but at
 “ first he would not accept it ; howbeit, about the Three and twentieth
 “ of *March*, 1623. they agreed to give him the said Ten thousand pounds,
 “ which he accepted ; and forthwith moving the Lords of Parliament,
 “ or acquainting them therewith, he retracted their Ships, and gave
 “ them leave to depart on their Voyage, which they accordingly did,
 “ setting sail the Seven and twentieth day of the same moneth from the
 “ *Downs*. And afterwards upon the Fifth of *April*, 1624. the Duke sig-
 “ nified unto the Lords House of Parliament, That his Majesty at the
 “ humble Petition of the *East-India* Company, had commanded him to
 “ discharge the *East-Indian* Ships, which he had once stayed according to
 “ the order of this House, made the First day of *March* then last past,
 “ and moved, That the said Order might be countermanded ; and there-
 “ upon it was ordered, that the Clerk of that House should cross the said
 “ Order of the First of *March*, out of his Book, which was done accord-
 “ ingly, and afterwards the said Ten thousand pounds was paid unto the
 “ said Duke ; which he received and accepted accordingly. And upon
 “ the Eight and twentieth of *April* aforesaid, suffered a colourable Sen-
 “ tence in the Admiralty to be given against him for their discharge, in
 “ such sort, as by the same Sentence appeareth. And for a colour he seal-
 “ ed and delivered unto the said Company, a Deed of Acquittance or Re-
 “ lease of the said Ten thousand pounds, and of all his pretended rights
 “ against them, as by the Deed thereof also appeareth. And whereas it
 “ may be imagined by some misconceit, that out of this an Aspersiion may
 “ be laid upon his late Majesty, in regard the Duke was pleased to say in
 “ the Conference between both Houses, 18 *March* last, That the said King

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“ had Ten thousand pounds of the said Company by occasion of this
 “ busines. The House of Commons have been very careful in their
 “ proceedings in this, as in all other things they have, and ever shall be,
 “ to do nothing which may reflect upon the Honor of their Kings: And
 “ in this particular, by that which hath been here at first declared of the
 “ manner and occasion of the said Goods and Moneys taken from the said
 “ *Portugals*, and receiving the same as aforesaid, while the said Peace
 “ was continuing, and the said Treaties indissolved; it appeareth, that
 “ it had not been safe for the said Company to stand out a Suit concern-
 “ ing that busines, wherein they might have need of his Majesties
 “ Mercy and Pardon, but it was both safe and good for them to give Ten
 “ thousand pounds; and it well stood with his late Majesties Honor, for
 “ that sum to grant them a Pardon, which he did to their great content-
 “ ment and satisfaction; and yet we finde that this Ten thousand pounds
 “ also was paid into the hands of Mr. *oliver*, the Dukes servant, but
 “ finde not any Record, by which it doth appear unto us, that ever it came
 “ unto his late Majesties use. And it is observable in this case, That the
 “ oppression fell upon the same Company shortly after the great affliction
 “ which hapned unto some of them at *Amboyna* in the *East-Indies*, by
 “ means of the Dutch, which might have moved a Noble minde rather
 “ to pitty, then punish the Company after such a Distress so lately
 “ suffered.

“ Having now finished the Narrative part belonging to this Charge.
 “ I shall observe unto your Lordships upon the whole matter, the nature
 “ of the Dukes offences by this Article complained of, and what punish-
 “ ment it may deserve. His default consisteth in the unjust extorting
 “ and receiving the Ten thousand pounds from the *East-India* Company
 “ against their wills by colour of his Office. Yet as offenders in this
 “ kinde, have commonly some colour to disguise and mask their Corrup-
 “ tions, so had he: His colour was the release of his pretended right to
 “ the Tenth part, or some other share of the Goods, supposed to be
 “ Piratically taken at Sea by the Captain, and their Servants of the
 “ Company: And though his Lordship may perhaps call his act therein,
 “ a lawtul composition, I must crave pardon of your Lordships to say
 “ thus, That if his supposed right had been good, this might peradven-
 “ ture have been a fair Composition: The same pretence being unsound,
 “ and falling away, it was a meer naked Bribe, and unjust extortion; For
 “ if way should be given to take money by colour of Releases of pre-
 “ tended rights, men great in power, and in evil, would never want means
 “ to extort upon the meaner sort at their pleasures with impunity. It re-
 “ mains therefore that I should prove unto your Lordships onely two
 “ things: First, That a pretence of right by the Duke, if he had none, will
 “ not excuse him in this case; and in the next place, to shew by reason
 “ and good warrant, That he had in Law no right at all to Release.

“ For the former, I will relie upon the substance of two notable pre-
 “ sidents of Judgments in Parliament, the one antient in the 10 *Rich. 2.*
 “ At which time the Commons preferred divers Articles unto the Lords
 “ in Parliament against *Michael de la Pool*, Earl of *Suffolk*, Lord Chancel-
 “ lor of *England*, accusing him amongst other things by the first Article
 “ of his Charge, That while he was Lord Chancellor he had refused to
 “ give Livery to the cheif Master of *St. Anthonies*, of the profit pertain-
 “ ing to that Order, till he had security from them, with Sureties by Re-
 “ cognisance of Three thousand pounds, for the payment of One hundred
 “ pounds

“ pounds *per annum* to the Earl, and to *John* his Son, for their lives.
 “ The Earl by way of Answer, set forth a pretended Title in his Son, to
 “ the cheif Mastership of that Order, and that he took that One hundred
 “ pound *per annum*, as a Composition for his Sons right. The Commons
 “ replied, shewing amongst other things, That the taking of Money for
 “ that which should have been done freely, was a selling of the Law, and
 “ so prayed Judgment. In conclusion, the pretended right of his Son
 A “ not being just, or approved, the offence remained single by it self a sale
 “ of Law and Justice, as the Law termeth it, and not a Composition for
 “ the Release of his Interest. So the Earl for this, amongst the rest, was
 “ sentenced and greatly punished, as by the Records appeareth.

“ The other President of like nature, is more Modern in the Case of
 “ the Earl of *Middlesex*, late Lord Treasurer of *England*, who was charged
 “ by the Commons in Parliament, and transmitted to your Lordships for
 “ taking of Five hundred pounds of the Farmers of the Great Customs,
 B “ as a Bribe for allowing of that Security for payment of their Rent to
 “ the late Kings Majesty, which without such reward of Five hundred
 “ pounds, he had formerly refused to allow of. The Earl pretended for
 “ himself, That he had not onely that Five hundred pound, but Five hun-
 “ dred pounds more, in all One thousand pounds, of those Farmors for
 “ a Releate of his Claim, to Four of Two and thirty parts of that Farm:
 “ But upon the proof, it appearing to your Lordships, That he had not
 “ any such part of that Farm as he pretended, it was in the Thirteenth day
 C “ of *May*, in the Two and twentieth year of his late Majesties reign, Ad-
 “ judged by your Lordships in Parliament (which I think is yet fresh in
 “ your Memories) That the Earl for this, amongst other things, should
 “ undergo many grievous Censures, as appeareth by the Records of your
 “ Lordships house, which I have lately seen and perused.

“ And now being to prove, that the said Duke had no title to any
 “ part of the Goods by him claimed against the *East-India* Company, I
 “ shall easily make it manifest, if his Lordships pretence by his own Alle-
 D “ gation in the Admiralty were true, That the Goods whereof he claims
 “ his share, were Piratically taken. From which Allegation, as he may
 “ not now recede, so is it clear by Reason and Authority, That of such
 “ Goods, no part or share whatsoever is due to the Lord Admiral in right
 “ of his Office, or otherways.

1. “ For that the parties from whom the same were taken, ought to
 “ have restitution, demanding it in due and reasonable time, and it were
 “ an injury to the intercourse, and Law of Nations, if the contrary should
 E “ be any way tolerated.

2. “ Secondly by Law; for so are the Statutes of this Kingdom, and
 “ more especially in 27 *Edw.* 3. 13. whereby it was provided, That if any
 “ Merchant, privy or stranger, be robbed of his Goods upon the Sea, and
 “ the same came afterwards into this Realm, the owner shall be received
 “ to prove such Goods to be his, and upon proof thereof, shall have
 “ the same restored to him again.

“ Likewise, 1, 2, 3 *Edw.* 6. 18. in the Act of Parliament, touching Sir
 F “ *Thomas Seymour*, Great Admiral of *England*, who therein amongst divers
 “ other things is charged with this, That he had taken to his own use
 “ Goods Piratically taken against the Law, whereby he moved almost
 “ all Christian Princes to conceive a grudge and displeasure, and by
 “ open War to seek remedy by their own hands: And therefore for
 “ this, amongst other things, he was attainted of High Treason, as
 “ appeareth

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" appeareth by that Act wherein the Law is so declared to be as before is
 " expressed.

" But if it should be admitted, that the Duke had a right in this case,
 " for which he might compound; yet the manner of his seeking to try
 " and recover such his right, is in it self an high Offence, and clearly un-
 " lawful in many respects, whereof I will touch but a few. As in making
 " the most Honorable House of Parliament an Instrument to effect his
 " private ends for his profit: In proceeding to arrest and stay the Ships of
 " men not apt to flie, but well able to answer and satisfie any just Suits
 " which he might have against them, though their Ships had gone on in
 " their Voyage: In prosecuting things so unseasonably, and urging them
 " so extreemly by his Advocate, for bringing in of so great a sum of
 " money upon the sudden, and formally under colour of Justice and Ser-
 " vice of the State: In reducing that Company into that straight and
 " necessity, that it was as good for them to compound, though the Duke
 " had no title; as to defend their own just right against him upon these
 " disadvantages, which by his power and industry he had put upon
 " them.

Then he read the Seventh and Eighth Articles, which he handled
 joynly, as being not two Charges, but two severall parts of one and the
 same Charge; and when he had read them, he went on speaking further
 to their Lordships, as followeth.

Mr. Glanville
 enlarges the
 Seventh and
 Eighth Arti-
 cles.

" **Y**our Lordships may have observed how in handling the former Ar-
 " ticles, I have in my Discourse used the method of time, which I
 " hold to be best for the discovery of the truth: I shall therefore by your
 " Lordships patience, whereof now I have had some good experience,
 " use the like order in my enlargement upon these later Articles; touching
 " which, that which I have to say, is thus.

" In or about the Two and twentieth year of the reign of our late
 " dear Sovereign Lord King *JAMES* of famous memory, there being then
 " a Treaty between our said late Sovereign and the French King, for a
 " Marriage to be had between our then most Noble Prince (now our
 " most gracious King) and the French Kings Sister (our now Queen)
 " and for entering into an Active War against the King of *Spain*, and his
 " Allies in *Italy*, and the *Valtoline*. Our said late Sovereign passed some
 " promise to the French Kings Ambassador here, the Marquess *D'Effiat*,
 " for procuring or lending some Ships to be employed by the French in
 " that Service, upon reasonable conditions; but without thought or in-
 " tent that they should be employed against the *Rochellers*, or any others
 " of our Religion in France: For it was pretended by the French Kings
 " Ministers to our King, That the said Ships should be employed particu-
 " larly against *Genoa*, and not otherwise. But afterwards some matter of
 " Suspicion breaking forth from those of our Religion in France, that
 " the Design for *Italy* was but a pretence to make the Body of an
 " Army fall upon the *Rochellers*, or other of our Religion in that King-
 " dom; the King grew so cautious in his Conditions, that as he would
 " perform his promise to lend his Ships, so to preserve those of our
 " Religion, he contracted or gave directions, that the greater part of
 " the Men in the same Ships should be English, whereby the power
 " of them should be ever in his hands.

" And

A “ And the Duke of *Buckingham* then and yet Lord Great Admiral of
 “ *England*, well knowing all this to be true, pretended he was and would
 “ be very careful, and proceed with art to keep the said Ships in the
 “ hands of our King, and upon our own Coasts; and yet nevertheless
 “ under hand he unduly intended, practised, and endeavored the contrary:
 “ For afterwards by his direction or procurement in or about the Two and
 “ twentieth year aforesaid, a Ship of his Majesties called the *Vanguard*,
 “ being of his Majesties Royal Navy, was allotted and appointed to be
 “ made ready for the service of the French King, and seven other Mer-
 “ chants Ships of great burthen and strength, belonging to severall per-
 “ sons Natural Subjects of our said late Sovereign Lord, were by the
 “ Dukes direction impressed as for the service of his said late Majesty, and
 “ willed to make themselves ready accordingly. The Names and Tun-
 “ age of the said Seven Merchants Ships were as followeth.

- B 1. “ The Great *Neptune*, whereof Sir *Ferdinando Gorge* was Captain.
 2. “ The *Industry*, of the burthen of Four hundred and fifty Tuns,
 “ whereof *James Moyer* was Captain.
 3. “ The *Pearl* of Five and forty Tuns, *Anthony Tench* was Captain.
 4. “ The *Marigold* of Three hundred Tuns, *Thomas Davies* Captain.
 5. “ The *Loyalty* of Three hundred Tuns, *Fasper Dare* Captain.
 6. “ The *Peter* and *John* of Three hundred and fifty Tuns, *John*
Davies Captain.
 C 7. “ The *Gift of God* of Three hundred Tuns, *Henry Lewen* Captain.

D “ Also about the same time a Contract was made by and between
 “ Sir *John Cooke*, and other the Commissioners of his Majesties Navy,
 “ as on behalf of his Majesty for his said Ship the *Vanguard*, and on be-
 “ half of the Captains, Masters, and Owners of the said Seven Merchants
 “ Ships, but without their privity or direction for the service of the French
 “ King, upon conditions to be safe and reasonable for our King, this
 “ Realm, and State; as also for the said Captains, Masters, and Owners
 “ of the said seven Merchants Ships, and for the Companies. For Sir
 “ *John Cooke* drew the Instructions for the Direction of the said Contract,
 “ which Instructions passed and were allowed by the King, and such of
 “ the Council, as were made acquainted therewith, and used in this busi-
 “ ness. In which Instructions, as Sir *John Cooke* hath since alleaged in
 “ the House of Commons, there was care taken for provision to be
 “ made, that the said Ship of his Majesty called *Vanguard*, should not
 “ serve against the City or Inhabitants of *Rochel*, or those of the Religion
 “ in *France*, nor take into her more men of the French then she could
 “ from time to time be well able to command and master. But whether
 “ the Instructions for the Merchants Ships, and the Kings said Ship were
 “ all one, is not yet cleared unto the Commons, howbeit it appeareth not,
 “ but that the intent of our King and State, was to be a like careful for
 “ both. Nevertheless a Form of Articles dated the Five and twentieth
 “ day of *March*, in the Three and twentieth year of his said late
 “ Majesties reign, was prepared, ingrossed, and made ready to be
 “ sealed without the knowledge of the Captains, Masters, and Owners
 “ of the said Merchants Ships, between the said Marquees *D' Effiat*
 “ the Ambassador, on the one part, and the severall Owners of the
 “ said Merchants Ships respectively on the other part, viz. A seve-
 “ ral Writing or Instrument for every of the said Ships respectively,
 “ whereby

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“whereby amongst other things, as by the same appeareth, it was covenanted and agreed, by and on the part and behalf of the owners, to
“and with the said Marquess *D’ Effiat*, to this effect, namely.

“1. That their said Ships respectively, with a certain number of
“men for every of them limited, with Ordnance, Munition, and other
“necessaries, should be ready for the French Kings service, the Thirteenth
“of *April* then next following.

“2. That they should go on in that Service under a French General,
“to be as Captain in every of the said Merchants Ships respectively; of
“the appointment of the French King, or his Ambassador.

“3. That they should serve the French King against any whomso-
“ever, but the King of *Great Britain*.

“4. That they should take in as many Soldiers into their said several
“Ships, as they could stow or carry, besides their Victual and Apparel.

“5. That they should continue six moneths or longer in the Ser-
“vice, so that the whole time did not exceed eighteen moneths.

“6. That they should permit the French to have the absolute Com-
“mand of their Ships, for Fights and Voyages.

“And it was amongst the said Articles, besides other things, Cove-
“nanted and agreed by the said Marquess *D’ Effiat*; as, for and on the
“behalf of the French King, to this effect, namely.

“I. That there should be paid to every owner a moneths freight in
“hand, after the rate agreed on; and freight for two moneths more after
“the same rate, within Fifteen days after the date of the Articles; the
“computation of the moneths to begin from the 28 of *March*.

“II. And that the Ships should be ready in a certain form prescribed
“at the end of the Service.

“When all things were in a readines for circumvention and surpri-
“sal of the Owners, Captains, and Masters of the said Ships, then and
“not before, they were suddenly pressed to Seal the Countreparts of the
“prepared Articles; and they were about the same time released and dis-
“charged from the Imprest of his Majesties Service, and acquainted and
“designed to serve the French King, the said three moneths pay being
“offered, and afterwards paid unto them before-hand, as a bait to draw
“on and intangle them in the business. Nevertheless, the Captains and
“Owners of the said Merchants Ships doubted upon some points (to wit)
“first, Against whom they should be employed? secondly, What Foreign
“power they should be bound to take into their Ships? and thirdly,
“What sufficient security they should have for their freight, and redelivery
“of their Ships.

“But there were private Instructions given to Captain *John Penning-
“ton*, Captain of the Kings Ship, the *Vauntguard*; as for him and the
“whole Fleet, that he should observe the first Instructions, to wit, Not
“to serve against those of the Religion, and to take into his Ship no more
“Frenchmen then they could master. The pretence for *Genoa*, and these
“private Instruments for *Pennington*, were but a further Artifice of the
“Dukes to draw the Ships into *France*, and to conceal the breaking forth
“of the matter here in *England*: And the more to endear them, and con-
“firm them in an opinion of right intention, they were commanded to
“conceal these private Instructions, as if the Duke and his Agents had
“trusted

A “ trusted them more then they did the Ambassadors. By these and other
 “ like cunning and undue proceedings of the said Duke, the said Marquis
 “ *d’ Effiat* sealed one part, and the Owners of the said Merchants ships
 “ respectively sealed the other parts of the said pretended Articles, trust-
 “ ing they should not be bound to the strict performance thereof, by rea-
 “ son of the said private Instructions to the contrary. After the passing of
 “ these Articles, the said ships being formerly ready, the said Duke May 8.
 “ 1625. made a Warrant under the Great-Seal, to call the Companies
 “ aboard which had been raised and fitted for the said French service, ac-
 “ cording to former Instructions, and with first opportunity to go to such
 “ Port as the French Ambassador should direct, &c. there to expect Di-
 “ rections of the Party that should be Admiral of the said Fleet so prepa-
 “ red, with a requiry of all Officers to be assistant hereunto.

B “ All things being now in readines, Captain *Pennington* being
 “ Admiral of this whole Fleet, in May 1625. went with the Kings said
 “ ship the *Vantguard*, and the seven Merchants ships aforesaid to *Diep*
 “ in *France*: There instantly the Duke of *Memorancy*, Admiral of *France*,
 “ would have put Two hundred French Souldiers aboard the ship called
 “ the *Industry*, being no more men then she could stow, but a far greater
 “ proportion of men then her proper Company was able to command
 “ or master; and offered also to do the like to every one of the said ships;
 “ telling the said Captain *Pennington*, and other the said English Captains
 “ and Owners, and their Companies in direct tearms, that they were to
 “ go, and should go to serve against the City and Inhabitants of *Rochel*,
 “ and against those of our Religion: whereunto they all shewing them-
 “ selves unwilling, there were Chains of Gold, and other Rewards offer-
 “ ed unto some of the Captains, Masters and Owners, to induce them: All
 “ which they utterly refused, protesting unanimously against the Design,
 “ and would not take in above a fit number of men, such as they might
 “ be able to command.

C “ Also the Company of the Kings ship did there inform Captain
 “ *Pennington* of this Overture made to go against *Rochel*, and exhibited a
 “ Petition to him against the same, subscribing their names to the Petiti-
 “ on in a Circle or Compass, that it might not appear who was the begin-
 “ ner of the same, and then they laid it under his Prayer-book, where he
 “ found and read it. Whereupon Captain *Pennington* and the rest con-
 “ sulted more seriously of the matter, and by a general assent returned all
 “ back to the *Downs*, where they arrived about the end of *June*, or begin-
 “ ning of *July* 1625. From thence Captain *Pennington* sent a Letter to
 “ the Duke of *Buckingham* by one *Ingram*, with the said Petition, and im-
 “ ployed him to become a Suitor to get a discharge from serving against
 “ *Rochel*: *Ingram* delivered the Letter to the Duke, and saw him read it,
 “ together with the said Petition; whereby, as by other former and later
 “ means, he had full notice of the Design, and intent of the French to go
 “ against the Rochellors: *James Moyer* also about the same time came to
 “ the Court, and had conference with my Lord *Conway* and Sir *John Cook*,
 “ (now Secretary) acquainting them what had passed at *Diep*, praying
 “ them to acquaint the Duke, which they did, and the Duke delivered the
 “ said Letter and Petition to Sir *John Cook*. The Duke of *Chevereux* and
 “ Monsieur de *Villocleer* being now come into *England*, as extraordinary
 “ Ambassadors from the French King, they and the said Marquis *d’ Effiat*,
 “ more especially *d’ Effiat*, solicited and got a Letter from the Lord *Con-
 “ way* by the Dukes means, dated *July* 10. 1625. directed to Captain

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“*Pennington*, whereby he took upon him to expresse and signifie his Majestyes pleasure to be, That his Majesty had left the command of the ships to the French King, and that now Captain *Pennington* should receive into them so many men as that King should please for the time contracted, and recommended his Letter to be as a sufficient Warrant in that behalf. All this while the King or Body of the Council were never made acquainted with any other design then that of *Genoa*, nor heard any thing of the passages at *Diep*, nor of the design for *Rochel*, nor of our Masters & Companies Petitions, Informations or Complaints thereupon. This Letter of the Lord *Conways* was sent by *Parker* from *Hampton-Court* unto *Pennington*, being now about the *Downs*, and was not long after delivered into his hands. About this time Monsieur *de la Touche*, and others, as from the Duke *de Rohan*, and others of the Protestant party in *France*, solicited our King and Council against the going of the ships, and had good words and hopes from both, but from the Duke the contrary, who told them, the King his Master was obliged, and so the ships must and should go.

“The ships remained still in the *Downs*, and afterwards, viz. about July 15. 1625. there was a Treaty at *Rocheſter* between the three Ambassadors Extraordinary of *France*, and *James Moyer*, and *Anthony Touchin* for themselves and other English Captains and Masters of ships, &c.

“The said *Moyer* and *Touchin* being by Message commanded to attend the Duke of *Buckingham* at *Rocheſter*, for conclusion and settlement to be had of this busineſs, the said Ambassadors did there proffer and offer to the said *Moyer* and *Touchin* an Instrument in French purporting thus; viz.

1. “That the said English Captains and their Companies should consent and promise to serve the French King against all, none excepted but the King of great *Britain*, in conformity of the Contract formerly passed between *d’Eſſiat* and them.

2. “That they should consent and agree, in consideration of the assurance given them by the Ambassadors, to the Articles of *March* 25. 1625. whereby the French King should be made Master of the said ships by indifferent Inventory; that then they should by him be warranted against all hazards of Sea-fight, and if they miscarried, then the value thereof to be paid by the French King, who would also confirm this new Proposition within fifteen dayes after the ships should be delivered to his use by good caution in *London*.

3. “That if the French King would take any men out of the said ships, he might, but without any diminution of freight for or in respect thereof.

“The said *James Moyer* having gotten the French Instrument interpreted, answered, 1. they would not go to serve against *Rochel*; 2. nor send their ships, without good warrant for their going; and 3. not without sufficient security to their liking for payment of their freight, and reddition of their ships, or the value thereof; for the Ambassadors security was by them taken not to be sufficient, and they protested against it, and utterly refused this peraffetted Instrument: Here also Sir *John Epsley* and Sir *Thomas Love* dissuaded the Duke from this enterprize, telling him, he could not justifie nor answer the delivery of the ships to the French.

“The Lord Duke being at *Rocheſter*, and there acquainted with all these proceedings, commanded the said *Moyer* and the rest, before these Ambassadors,

- “ Ambassadors, that they should obey the Lord *Conways* Letter, and re-
 “ turn to *Diep* to serve the French, and that so was our Kings pleasure ;
 “ howbeit herein his Majesties pleasure appeared not, but the contrary :
 “ yet privately at the same time the Duke told them, that the security
 “ offered or formerly given by the Ambassador, was insufficient, and
 “ that though they went to *Diep*, yet they might and should there keep
 “ their ships in their own power till they had made their own conditions
 A “ to their own liking. *July 16. 1625.* The Duke of *Chevereux* and
 “ Monsieur *Villocleox* finding that they could not accomplish their designs
 “ at *Rocheſter*, but they must be fain to defer the getting thereof till the
 “ coming of the ships back again to *Diep*, where it was thought that
 “ better opportunity and more advantage for their ends would be had,
 “ did to that purpose make and ordain the Marquis *d' Effiat* their Deputy
 “ to contract with the Captains and Masters of the English ships for the
 “ French Kings service, as effectually as themselves might do, thereby
 B “ transferring their power in that behalf to the said *d' Effiat*, who intended
 “ to go over to *Diep* forthwith about this business. The Duke of *Buck-*
 “ *ingham* having thus the second time dealt with the Captains and Masters
 “ to go to *Diep*, and armed and prepared *d' Effiat* how and in what manner
 “ there to circumvent them, sent over to *Diep* privately, and under-
 “ hand, his Secretary Mr *Edward Nicholas*, together with *d' Effiat*. Mr
 “ *Nicholas* at and before the going over, had Instructions from the
 “ Duke by word to see the execution of the Kings pleasure signified
 C “ by the Letter from my Lord *Conway*, and to procure the Captains
 “ and Masters of the said Merchants ships to deliver over their ships
 “ into the hands of the French, upon the security peraffetted at *Ro-*
 “ *cheſter* by the three French Ambassadors, and by them delivered to the
 “ Duke of *Buckingham*, who committed the same to the said Mr *Ni-*
 “ *cholas*, as the security which in that behalf he was to take and
 “ accept. Mr *Nicholas* according to those Instructions, went to *Diep* with
 “ *d' Effiat*, and was there very urgent to get the ships delivered to
 D “ the French, according to the said Instructions at their coming over
 “ to *Diep* : *d' Effiat* entred a Suit and Protest against our Captains
 “ and Masters, and their original Articles, the better to enforce them
 “ to perform the same, without respect to the Dukes verbal preten-
 “ ces or Allegations made to the Captains and Masters at *Rocheſter*, and
 “ in other places formerly to the contrary.
 “ The Captains and Masters came over again to *Diep* about *July 20.*
 “ where they found themselves in a strait by reason of the said Pro-
 E “ test there entred against them, the Dukes instructions by word be-
 “ ing too weak to exempt them from obtaining their Contract under their
 “ Hands and Seals ; alio Mr *Nicholas* using the Kings name with threat-
 “ ning words, was there very earnest from day to day, and very ve-
 “ hemently pressed them to deliver over their ships before security
 “ given to their content, contrary to the former Proposition, (*viz.* the
 “ Lord Dukes word to them at *Rocheſter*) which they refusing to yeild un-
 “ to, Advertiſement thereof was speedily sent to the Duke of *Buckingham*,
 F “ and to his Agents into *England*, and Mr *Nicholas* continued still at *Diep*
 “ about his former Negotiation.

“ *July 27. 1625.* Sir *Ferdinando Gorge*, *Anth. Touching*, *James Moyer*
 “ *Henry Lowen*, *Tho. Davies*, *Fasp. Dard*, and *James Davies*, as owners and
 “ Captains of the said seven English ships hired for the French, did expreis
 “ in writing, that they held it fit they should not quit ships their till they
 “ had

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“ had made their own reasonable conditions, and were freed from the que-
 “ stions, and troubles they were in ; and in particular,

1. “ They prayed to be free of the said Protest, that they might the
 “ better treat of their affairs.

2. “ If the the French King would have delivery of their ships in-
 “ to his power and possession, that then they might have security by
 “ money deposited in *London*, without Revocation for satisfaction of
 “ their ships, the former security by Merchants being insufficient, and a
 “ stop already made of their pay, which upon that security they know not
 “ how to come by.

3. “ Because their ships being Fortresses of this Kingdom, and the
 “ delivery of them over into the hands of a Foreign Prince without good
 “ warrant, concerneth even their very lives, that they might have a war-
 “ rant in that behalf under the Great-Seal of *England* before they should
 “ be bound to deliver them over.

4. “ To be free of their bonds entred into for not selling their Ord-
 “ nance, and also free of punishment in that behalf, and they shewed how
 “ they were more cautious herein, for that Commissioners drew the first
 “ Articles, which were now wholly broken, and these Articles were to be
 “ done by themselves.

“ And this writing they sent from their ships by one Mr *Basset Cole*,
 “ to present on shore to the Marquis d' *Effiat* at *Diep*, appointing the
 “ said Mr *Cole* to treat for a speedy conclusion according to these Arti-
 “ cles ; who treated accordingly : And the said Marquis, to induce him
 “ to yield to his demands, shewed a Letter in French signed by the Duke
 “ of *Buckingham*, whereby the Duke promised his endeavors to get the
 “ Marquis's turn served touching these ships.

“ The next day, viz. 28 July 1625. Mr *Nicholas* came aboard the
 “ *Neptune*, and declared in writing under his hand, how and why he was
 “ sent over by the Duke of *Buckingham*, as before, and craved the Cap-
 “ tain and Masters Answer in writing under their hands, whether they
 “ would conform to the Lord *Conways* Letter, and to the Instrument
 “ peraffetted at *Rocheſter*, for delivery over of the said ships, yea or no,
 “ offering to procure them a sufficient discharge to their contentment
 “ for their so doing.

“ The same day also Sir *Ferdinando Gorge* and the rest, by writing
 “ under their hands subscribed, did declare as followeth ; namely,

*That they were willing to obey our King, but held not the security peraf-
 fetted at Rocheſter by the three Ambassadors to be sufficient (though honora-
 ble) and so they absolutely refused to deliver their ships upon that security, desi-
 ring better caution in that behalf.*

1. By Merchants of Paris.

2. To be transferred to London.

3. Irrevocable.

4. And such as might not be protected by Prerogative ; and to have this
 under the Hands and Seals of both Kings.

“ All this while our King or body of the Council knew nothing in cer-
 “ tain of any other design of the French, then only of their pretence against
 “ *Genoa*, and believed that all the Articles and Instruments that had passed
 “ between the French and us, or the Captains, Masters, and Owners of the
 English

“English ships had been penned and contrived with full and good Cautions accordingly, for prevention of all dangers that might grow to the contrary. Also the same 28 *July*, the Captains and Masters taking notice of Mr. *Nicholas* pressing them to deliver their ships before security given to their content, contrary to former Propositions, which they held unreasonable, did make answer unto the Marquis in writing, That until they should have security to their contentment, they would not quit the possession of their ships unto the French (which was but reasonable) and they sent therewith a valuation of their several ships as they would stand to. They likewise demanded a performance of all things formerly sent to his Lordship from them by Mr. *Nicholas* (save only for the security by money deposited) saying, that for all the rest they durst not proceed otherwise.

“Lastly they prayed for a speedy Answer, that the delay in this business may not seem to be in them.

“But *D'Effiat* being confident of the Duke of *Buckingham's* Letters, promises, and proceedings aforesaid, would not consent to these reasonable demands of the Captains and Masters of the English ships, protracting the time till he might hear further from the said Duke out of *England*.

“While these things were thus in handling both in *France* and in *England*, there were written over out of *France* into *England* Letters of advertisement, how and upon what ground, or by what act or means procured or occasioned, appeareth not; yet from one Mr. *Larking* a servant to the Earl of *Holland*, and a kind of Agent, a person some way imployed by our State, or under some of our Ambassadors or Ministers in *France*; That the Peace was concluded with those of our Religion in *France*, and that within fourteen days the War would break forth or begin in *Italy*, with a Design upon *Genoa*, a matter of great importance for annoying the *Spaniard*.

“This Letter of *Larking* came to the English Court at *Richmond* 28 *July*, when the Duchess of *Chevereux* Child was there Christened, and the Contents thereof (as hath been alleaged) were confirmed by the Ambassadors of *Savoy* and *Venice*: By the advantage and colour whereof the Duke of *Buckingham* drew the King (who all this while knew nothing of the Design upon *Rochel* or those of our Religion, but thought the former Articles had been safe and well penned both for him and his Subjects (according to the most religious and politick intention, and Instructions in that behalf originally given by his late Father) to write a Letter dated at *Richmond* the same 28 *July* directed to the said Captain *Pennington* to this effect, viz.

“His Majesty did thereby charge and command the said Captain *Pennington* without delay to put his Highness former Command in execution, for consigning the *Vanguard* into the hands of the Marquis *D'Effiat* for the French, with all her Furniture, assuring her Officers his Majesty would provide for their Indemnity; And to require the seven Merchants ships in his Majesties name to put themselves into the service of the French King, according to the promise his Majesty had made unto him; And in case of backwardness or refusal, commanding him to use all forcible means to compel them, even to sinking; with a Charge not to fail, and this Letter to be his Warrant.

“This Letter was sent by Captain *Thomas Wilbraham* to Captain *Pennington*, who was yet in the *Downs*. In the beginning of *August* 1625.

Captain

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“ Captain *Pennington* went over again to *Diep*, carrying with him the
 “ said Letters of his Majesty, and certain Instructions in writing from the
 “ Duke of *Buckingham* to Mr. *Nicholas*, agreeable in substance to the
 “ former verbal Instructions given by the Duke to him at *Rocheſter*,
 “ as the ſaid *Nicholas* alleadgeth; who alſo affirmeth, that in all things
 “ what he did touching that buſineſs, he did nothing but what was war-
 “ ranted by the Dukes Instructions to him; which if it be true, then
 “ the Duke of *Buckingham* who commanded and imployed him therein
 “ muſt needs be guilty of the matters ſo acted by the ſaid Mr. *Nicholas*.
 “ If there be any ſubſequent act or aſſent of Council, or of ſome Coun-
 “ ſellors of State for the going of theſe ſhips to the French, or for
 “ putting them into their power, it was obtained only for a colour,
 “ and was unduly gotten by miſinforming the Contents of the ſealed
 “ Articles, and concealing the Truth, or by ſome other undue means:
 “ Neither can any ſuch latter act of Council in any ſort juſtifie the
 “ Dukes proceedings, which by the whole current of the matter appears
 “ to have been indirec[t] in this buſineſs even from the beginning. About
 “ the time of Captain *Pennington*’s coming over to *Diep* the ſecond time,
 “ Mr. *Nicholas* did in his ſpeeches to the Captains and Maſters of the
 “ ſeven Merchants ſhips threaten and tell them, That it was as much
 “ as their lives were worth, if they delivered not their ſhips to the French
 “ as he required; which put them in ſuch fear as they could hardly ſleep:
 “ And thereupon two of them were once reſolved to have come again
 “ away with the ſhips; and becauſe the former threats had made them
 “ afraid to return into *England*, therefore to have brought and left their
 “ ſhips in the *Downs*, and themſelves for ſafety of their lives to have gone
 “ into *Holland*.

“ Captain *Pennington* being the ſecond time come into *Diep*, there
 “ forthwith delivered and put the ſaid ſhip the *Vantguard* into the
 “ abſolute power and command of the French King, his Subjects and
 “ Miniſters, to the ſaid French Kings uſe, to be imployed in his ſervice
 “ at his pleaſure; and acquainted the reſt of the Fleet with the effect
 “ of his Majesties Letter and Command, and demanded and required
 “ them alſo to deliver and put their ſhips into the power and command
 “ of the French King accordingly. The Captains, Maſters, and Owners
 “ of the ſeven Merchants ſhips reſuſed ſo to do, as conceiving it was
 “ not the Kings pleaſure they ſhould ſo do without ſecurity for redelivery
 “ of their ſhips, or ſatisfaction for the ſame to their good contentment.
 “ Hereupon *Pennington* went on ſhore at *Diep*, and there ſpake with
 “ *D’Effiat* the Ambaſſador, and ſhortly after returned aboard, and gave
 “ the Captains, Maſters and Owners an Answer, reſting upon the vali-
 “ dity, and urging the performance of the former Contract made and
 “ peraffetted in *England*.

“ Then the ſaid Maſters and Captains prepared to be gone, and
 “ weighed anchor accordingly. Whereupon Captain *Pennington* ſhot at
 “ them, and forced them to come again to anchor, as yielding themſelves
 “ for fear to his mercy and diſpoſal. Upon this, Captain *Pennington* and
 “ the Frenchmen that now commanded the *Vantguard*, came aboard the
 “ Merchants ſhips, and there propoſed unto them a new way for their
 “ ſecurity touching their ſhips, namely to accept the ſecurity of the
 “ Town of *Diep*: Whereupon they all went aſhore except Sir *Ferdi-*
 “ *nando Gorge*, who with his ſhip the *Great Neptune* adventured to
 “ come away, as not liking theſe new and unreaſonable Propoſitions.

“ At

“At their coming ashore they spake with Mr. *Nicholas*, and there by his
 “enforcement came to a new Agreement to accept the Security of the
 “Town of *Diep*, upon certain hard Conditions; namely, The said
 “Marquis *d’Effiat* as Extraordinary Ambassador in *England*, and as ha-
 “ving power by deputation from the Duke of *Chevereux* and *Villocleer*,
 “on or about *August* 15. 1625, did agree and promise to the said *Moyer*,
 “*Touchin*, *Thomas Davies*, *Dard*, *John Davies*, *Lewen*, as Captains and
 A “Owners of the said ships, called the *Industry*, the *Pearl*, the *Marigold*,
 “the *Loyalty*, the *Peter* and *John*, and the *Gift of God*, then being in the
 “Road of the Town of *Diep*, That the French King should give and
 “furnish to the said Owners (they being present, and accepting it in
 “this Town) this sufficient security, That within fifteen dayes after the
 “said French King should be in possession of the said ships, he should
 “give sufficient caution in *London*, for the sum of Two hundred and
 “thirteen thousand Livres, whereat the said ships were estimated,
 B “with all that appertaineth to them, as Cannons and other Munitions
 “of War; viz. Fifty thousand pounds. And in or about the same
 “15 *August*, 1625. the Commonalty of the said Town of *Diep* en-
 “tered security, and bound the goods of their Commonalty to the said
 “English Captains and Owners, That the said French King and his Am-
 “bassadors should furnish the security within the City of *London* within
 “the time, and for the sum aforesaid.

“On or about *August* 16. 1625. the said Marquis *d’Effiat*, as well
 C “in his quality of being Ambassador, as by vertue of his said Deputati-
 “on, did by a publick Act promise unto the said *Moyer*, *Touching*, &c.
 “to give and furnish to them (they being present, and requiring it in the
 “Town of *Diep*) sufficient security in the City of *London*, within
 “fifteen dayes after the French King should be in peaceable possession of
 “the said ships, for the sum of Two hundred and thirteen thousand
 “Livres Turnoys, whereat the said ships were valued, namely, for the said
 “ship called the *Industry*, and so a several sum for every ship, which se-
 D “curity should remain for assurance to pay to every of them the prices
 “of their ships before specified in that Act, in case they should be left
 “in the French Kings hands, with other particulars in the said Act
 “mentioned, without derogating nevertheless from the Clauses of the
 “said Contract *March* 25. 1625. Albeit, because the said Ambassa-
 “dors had found it good now to discharge the English Mariners out
 “of the said ships, that therefore the freight agreed upon by the said
 “former Contract should not be wholly paid, but only for the space of
 E “the first six moneths; yet if the French King would use them for twelve
 “moneths longer, or for any less time, that then he should pay freight
 “for the same according to a new particular rate and manner expressed in
 “the said Articles, and bound the goods of himself and the said Duke
 “of *Chevereux* and Monsieur *Villocleer* for the performance hereof,
 “as by the said Article it self; reference being thereunto had, amongst
 “other things more fully appeareth.

“This Article being passed and recorded at *Diep*, all the said
 F “seven Merchants ships, except the *Great-Neptune*, who was gone
 “away in detestation of the action intended by the French were forth-
 “with delivered into the absolute possession, power, and command
 “of the French King, and of his said Ambassador *d’Effiat*, and other
 “the Ministers and Subjects of the French King, to be imployed
 “by him in his service at his pleasure, and not one of all the English
 Company,

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"Company, Man or Boy, (other then one onely man, a Gunner as it should seem) would stay in any of those ships, to serve against the Rochellors, or those of our Religion.

"As soon as these ships were thus delivered into the possession and power of the French, the said Ambassador then moved them, and dealt earnestly with them for the sale of their ships. Mr *Nicholas* having finished the work he went for, at his coming from *Diep* he received a Diamond-Ring worth Fifty pounds, and a Hatband set with Sparks of Diamonds, worth One hundred Marks, of the Ambassador, as a recompence for his pains taken in this Employment, which (although Ambassadors do confer greater rewards sometimes at their parting upon persons of Mr *Nicholas* his quality, for less service done) yet was it more then so ill an office as he was imployed in could in any sort deserve.

"The said Captain *Pennington* returned speedily into *England*, and took his journey towards the City of *Oxford*, where the Parliament was then sitting, by adjournment from *Westminster* thither, and there several Propositions were taken into debate for the good of our Religion, and the supply of his Majesties occasions: For the well resolving and settling whereof the true knowledg how, and upon what occasions and terms the several ships were sent, delivered, imployed, and to be imployed, was very requisite. Afterwards neverthertheless upon or about August 6. 1625. at a meeting and conference between both the Houses of Parliament in *Christchurch-Hall*, after the reading there of his Majesties most gracious Answer to a Petition of the Lords and Commons formerly exhibited unto his Majesty touching our Religion, and much for the good thereof, the Duke of *Buckingham* well knowing all the passages which I have now related to your Lordships to be true, did not onely cautelously conceal the same, but also much boldly and untruely, by colour of a Messlage delivered from his Majesty to both the Houses, affirm unto them touching those ships to this effect; That it was not alwayes fit for Kings to give accompt of their Counsels, and that about five of the six Moneths were already past, and yet the said ships were not imployed against *Rochel*; willing and advising the said Lords and Commons to judge the things by the event, to which he seemed to refer the matter. By which cunning Speeches the Duke intended, and accordingly did make the Lords and Commons then to believe, That the said ships were never meant, or any way in danger to be imployed against the Rochellors, or those of our Religion in *France*; and herein he did great injury and disservice to his Majesty, to the great scandal and prejudice of our Religion and Affairs, and highly abused both the Lords and Commons by this cautelous and subtile Speech and Insinuation, and thereby gave both Houses occasion to forbear Petitioning or suing to his Majesty for Redress in this Business, while the time was not then passed; for the ships were not as then actually imployed against the Rochellors, albeit in truth they were then delivered into the French Kings power.

"And the same time before the Parliament was dissolved, Captain *Pennington*, who could have opened the whole truth of the business for the Service of the King and the Realm, came to *Oxford*, but was there drawn to conceal himself by means of the Duke

“ Duke, and not to publish in due time his knowledge of the Premises, as was there shortly after reported. The truth whereof the Lords in this Parliament may be pleased to examine, as they shall see cause; the Parliament at *Oxford* being shortly after, viz. *Aug. 12.* unhappily dissolved.

A “ In or about *September 1625.* The said ships were actually employed against the *Rochellors* and their Friends, to their exceeding great prejudice, and almost utter ruine. It hath been said by some of the *French*, that the *Vanguard*, she mowed them down like grass: To the great dishonor of our Nation, and the scandal of our Religion, and to the disadvantage of the great affairs of this Kingdom, and all Christendom.

B “ Also the Ships themselves were in eminent peril to be utterly lost, for lack of sufficient Cautions. If they be come home since this Parliament late down, long after the matter was here expounded and taken into examination; It may be well presumed that it is by some underhand procuring of the Duke, and the secret complying of the *French* with him, to colour out the matter; which the Lords may examine as they see cause. The one and onely *English-man* that presumed to stay in one of the Ships, and serve against the poor *Rochellors* of our Religion, at his return was slain in charging a Peece of Ordnance not by him well sponged.

C “ In *February* last 1625. Monsieur *de la Touche* having speech with Master *Thomas Sherwell* a Member of the Commons House of Parliament, at *Salisbury*, as he was coming up to the Parliament, and Monsieur *de la Touche* going down into *Somerset-shire* to Master *John Pawlets* to Monsieur *Sobyssa*; He told Master *Sherwell*, in the hearing also of one Master *John Clements* of *Plymouth*, who is now in Town, the words that the Duke had spoken to him the last Summer touching these Ships; and thereupon used these words, *Ce Duque est un meſſant homme.*

D “ Upon this whole Narration of the Fact touching the manner of Delivery of the Ships to the *French*, divers things may be observed wherein the Dukes offences do consist: As, In betraying a Ship of the Kings Royal Navy unto a Foreign Princes hand, without good Warrant for the same; The dispossessing the Subjects of this Realm of their Ships and Goods by many artifices and subtilties, and in conclusion with high hand and open violence against the good will of the Owners; In breaking the duty of Lord Admiral and Guardian of the Ships and Seas of this Kingdom; In varying from the original good Instructions, and presuming to give others of his own head in matters of State; In violating the duty of a sworne Privy-Counsellor to his Majesty; In abusing both Houses of Parliament by a cautelous Misinformation, under a colour of a Message from his Majesty; And in disadvantaging the Affairs of those of our Religion in Foreign parts: Offences of an high and grievous nature.

F “ For the proof of some parts thereof, which are not the least, I offer to your Lordships consideration the Statute of the 2 & 3 E. 6. touching the Duke of *Somerset*; wherein is recited, That amongst other things, he did not suffer the Piers called the *Newhaven* and *Blackerſt* in the parts beyond the Seas, to be furnished with victuals

“ and

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“and money, whereby the *French* were encouraged to invade and
 “win the same; And for this offence amongst others, it was Enacted,
 “That a great part of his Land should be taken from him. And if *Non-*
 “*feasance* in a matter tending to lose a fixed Castle belonging to the
 “King, be an high offence; then the actual putting of a Ship Royal of
 “the Kings into the hand of a Foreign Prince, which is a moveable and
 “more useful Castle and Fortres of the Realm, must needs be held a
 “greater offence.

“I will forbear to cite any more Presidents of this kind, because some
 “of those who have gone before me have touched at divers Presidents
 “of this nature, which may be applied to this my part. Only, because
 “the abuse of the Parliament, which is the chiefest Council of State
 “and Court of Judicature in the Realm, is not the least offence in this
 “business, I shall desire your Lordships to take into consideration the
 “Statute of *Westm. 1. cap. 30.* whereby such as seem to beguile Courts
 “of Justice, are to be fore judged in the same Courts, and punished, as
 “by that Statute appeareth.

So he concluded, and left the Duke to their Lordships equal
 Justice.

The Ninth and Tenth Articles were read next.

IX. Whereas the Titles of Honor of this Kingdom of *England*
 were wont to be conferred as great Rewards, upon such vertuous and
 industrious Persons as had merited them by their faithful service; The
 said Duke, by his importunate and subtile procurement, hath not only
 perverted that antient and most honorable way, but also unduly for his
 own particular gain he hath enforced some that were rich (though un-
 willing) to purchase Honor: As the Lord *R. Baron of T.* who by practice
 of the said Duke and his Agents was drawn up to *London*, in or about
October in the Two and twentieth year of the Reign of the late King
James of famous memory, and there so threatened and dealt withall,
 that by reason thereof he yielded to give, and accordingly did pay the
 sum of Ten thousand pounds to the said Duke and to his use: For which
 said sum, the said Duke in the moneth of *January*, in the Two and
 twentieth year of the said late King, procured the Title of *Baron R.*
of T. to the said Lord *R.* In which practice, as the said Lord *R.* was
 much wronged in his particular, so the Example thereof tendeth to
 the prejudice of the Gentry, and dishonor of the Nobility of this
 Kingdom.

X. Whereas no Places of Judicature in the Courts of Justice of
 our Sovereign Lord the King, nor other like Preferments given by the
 Kings of this Realm, ought to be procured by any Subject whatso-
 ever for any Reward, Bribe, or Gift; He the said Duke in or about
 the moneth of *December* in the Eighteenth year of the Reign of the
 late King *James* of famous memory, did procure of the said King the
 Office of *High Treasurer of England* to the Lord Vicount *M.* now
 Earl of *M.* Which Office at his procurement was given and granted
 accordingly to the Lord Vicount *M.* And as a Reward for the said
 procurement of the same Grant, he the said Duke did then receive to
 his own use of and from the said Lord Vicount *M.* the sum of 20000 *l.*
 of lawful money of *England*. And also in or about the moneth of *January*
 in

A in the sixteenth year of the Reign of the said late King, did procure of the said late King of famous memory the Office of *Master of the Wards and Liveries* to and for Sir *L. C.* afterward Earl of *M.* which Office was upon the same procurement given and granted to the said Sir *L. C.* And as a reward for the same procurement, he the said Duke had to his own use, or to the use of some other person by him appointed, of the said Sir *L. C.* the sum of Six thousand pounds of lawful money of *England*, contrary to the Dignity of our Sovereign Lord the King, and against the duty that should have been performed by the said Duke unto him.

These, as also the Eleventh Article, were enlarged and aggravated by Mr. *Pym*, in this manner.

My Lords,

B “ **A** lthough I know that I shall speak to my own disadvantage, yet
 “ I shall labor to speak with as little disadvantage to the matter as
 “ I can. I have no learning or ornament whereby I might shew my self,
 “ and I shall think it enough plainly to shew the matter; For all that I
 “ aim at is, that I may lose nothing of the Cause. And therefore, my
 “ Lords, I shall apply my self with as much convenient brevity, as one
 “ that knows that your Lordships time is much more precious then my
 “ words: Your Lordships being such Judges, as will measure things by
 C “ true and natural proportions, and not by the proportion of the action
 “ or expression.

“ The first entrance into my service must be reading the Articles.

D “ My Lords, This Charge for matter of Fact is so notorious and
 “ apparent, that it needs no proof that these Honors have been pro-
 “ cured: And therefore I will only insist upon the Consequence. First
 “ I will shew, That by this fact the Duke hath committed a great
 “ Offence: And secondly, That this Offence hath produced a great
 “ Grievance to the Commonwealth. And I will conclude, in strengthen-
 “ ing the whole by some Presidents of former times, that Parliaments
 “ have proceeded in that course in which your Lordships are like to
 “ proceed.

E “ First to prove it a fault or an offence, I must prove that there was
 “ a duty; for every fault presupposeth a duty: And in this case the first
 “ work is to shew, that the Duke was bound to do otherwise: For which
 “ I need to allege nothing else, then that he is a sworne Servant and
 “ Counsellor to the King, and so ought to have preferred his Majesties
 “ honor and service before his own pride in seeking to Ennoble all that
 “ Blood that concerned him. And it is not enough to say, that it is not
 “ questionable; For there have been Great men questioned in the like
 “ cases. There be some Laws made that are particular according to the
 “ temper and occasions of several States: There are other Laws that be
 “ coessential and collateral with Government; and if those Laws be
 “ broken, all things run to disorder and confusion. Such is that Rule ob-
 F “ served in all States, of suppressing Vice to encourage Vertue, by apt
 “ Punishment and Rewards: And this the fittest Law to insist upon in
 “ a Court of Parliament, when the Proceedings are not limited either
 “ by the Civil or Common Laws, but matters are adjudged according
 “ as they stand in opposition or conformity with that which is *suprema lex*,
 “ *Salus populi*.

Mr. *Pym* en-
largeth the
11. Article.

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" 2. By this late Law, whoever moves the King to bestow Honor, which is the greatest reward, binds himself to make good a double proportion of Merit in that Party who is to receive it; The first of value and excellence; the second of continuance and durableness. And as this Honor sets men up above others, so they should be eminent in vertue beyond others: As it is perpetual, not ending with their persons, but descending upon their posterity; so there ought to be in the first root of this Honor some such active merit in the service of the Commonwealth, as might transmit a vigorous Example to his Successors, whereby they may be raised to an Imitation of the like

" Vertues.

He said, he would forbear to urge this point further, out of a modest respect to those persons whom it did collaterally concern, professing his Charge to be wholly against the Duke of *Buckingham*.

" 3. From the consideration of Honor, together with the price of Money: The which being compared together, may be reduced to two heads, (may it please your Lordships:) The one being earthly and base, may be bought with a proportionable price of white and red earth, Gold and Silver; The other which is spiritual (which is sublime) to which Money cannot be a proportionable price. Honor is transcendent, in regard it was held a sacred and divine thing, insomuch that there was a Temple dedicated to her by the *Romans*: And so I conclude by prescription, that Honor is a divine thing; for the Scripture calls Kings *Gods*; and then those that are about Kings must needs be resembled to those Powers and Principalities that attend next to the Throne: And if Honor be such a divine thing, it must not then be bought with so base a price as Money.

" 4. Lastly, Honor is a Publick thing, it is the reward of Publick Deserts.

" And thus your Lordships have seen, that the sale of Honor is an offence unnatural against the Law of Nature. Now what an offence this is, your Lordships may discern, considering the kinds of the offence, and the Adjuncts, which I now fall upon.

" 1. It extremely deflowers the Flowers of the Crown; for it makes them cheap to all beholders.

" 2. It takes from the Crown the most fair and frugal Reward of deserving Servants: For when Honor comes to be at so mean a rate as to be sold, there is no Great man will look after it.

" 3. It is the way to make a man more studious for lucre and gain, then of sufficiencie in Vertue; when they know that they shall be preferred to Titles of Honor according to the heaviness of purse, and not for the weightiness of their merit.

" 4. It introduceth a strange confusion, mingling the meaner with the more pure and refined metal.

" 5. Lastly, It is a prodigious scandal to this Nation, (as the House of Commons think.)

" For Examples and Presidents, I am confident there are none; and your Lordships can look for none, because it is not parallel'd to any President. But certainly it is now a fit time to make a President of this man, this great Duke, that hath been lately raised to this transcendent height in our Sphere; who thinketh he cannot shine enough, unless

"unless he dim your Lordships Honors in making the same contemptible through the sale of it, by the commonness of it.

"Yet I am commanded further to observe another step of Unworthiness in this Gentleman, who hath not only set Honor to sale by his Agents, but compelled men likewise unwilling to take Titles of Honor upon them. For the particular, that Noble Gentleman that this concerns, I am commanded to say of him from the House of Commons, That they conceive of him that he was worthy of this Honor, if he had not come to it this way; They can lay no blame upon him, that was constrained to make this bargain to redeem his trouble. But we must distinguish of this, as Divines do betwixt the Active and Passive Usurers; they condemn the Active, speaking favorably of the Passive.

"And I must here observe to your Lordships by the direction of the House of Commons, That it seems strange to them, that this Great man, whom they have taken notice of to be the principal Patron and Supporter of a Semipelagian and a Popish Faction set on foot to the danger of this Church and State, whose Tenets are *Liberty of Free-will*, though somewhat mollified; That a man embracing these Tenets should not admit of Liberty in Moral things: And that he should compel one to take Honor and Grace from a King whether he will or no, what is that but to adde Inhumanity and Oppression to Injury and Incivility?

"But here I must answer a President or two, which may be by misunderstanding enforced against me. 5 H. 5. There was *Martin* and *Babington*, and others, which were chosen to be Serjeants, and they did decline from it out of their modesty, and doubted that their Estates were not answerable to their Place: yet upon the Charge of the Warden of *England*, they accepted it and appeared to their Writs. Likewise there is a Writ in the *Register*, That many by reason of the Tenure of their Lands may be compelled to be made Knights. But this makes rather against, then for this Faction: For it is true, that this is the wisdom and policie of the Common-Law, that those that be thought fit men for Imployment, may be drawn forth to be employed for the good of the Commonwealth, where otherwise they would not take it upon them: But that any man for his own gain should force a man to take Degrees of Honor upon him, certainly this is beyond all Presidents, and a thing not to be exampled either in our Nation or any other.

"And further I am commanded to tell your Lordships, That it is dangerous, that if a great Lord by his power or strength may compel a Subject to take such Honors, why may he not compel them as well to take his Lands at what price he will, and to sell them again as he thinks fit; yea, to marry his Children as it pleaseth him? The consequence of this is great, if that it be well considered; And they conceive that it is of so great a consequence, that if it be not stopped, it may come in time to make way for a dangerous Subversion, and demonstrates a great Tyranny of a Subject, under a most wise, most gracious, and most moderate King.

"And thus (my Lords) I have done with the first Article allotted to my Charge, and so I proceed to the next.

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The 10. Article enlarged.

“ My Lords, Before I enter into the enforcement of this Article, I shall by way of Protestation from the House of Commons do in this as I did in the other Article. And first for the Kings Majesty under whom we are now happily governed and placed, I must by their direction say for his honor, and our comfort, and with humble acknowledgment confess, That since his coming to the Crown there have been men of as great parts and learning advanced into Places in Church and Commonwealth, as any have been heretofore. And then for the first of those Lords whose names are mentioned in this Article, I must say, that they do not intend to reflect at all upon him; nay they think his person so worthy, as to be advanced to as high a place without any price at all, and that he ought to have kept it longer, if those that shuffled in those times, had not shuffled him out.

“ Now to the matter of this Article, which is the Sale of Places of Judicature, being an offence: And to prove this, is all one as to make the glass clear by painting of it. The grounds whereon I shall go, shall be laid open *Magna Charta cap. 29*. The words are these; *Nulli vendemus, nulli negabimus Justitiam*. It may be said, this comes not close to my purpose: Yet by your Lordships favor I shall make it good that it doth, and I shall begin with the latter of the two first, *Nulli negabimus*: For if any that hath power or favor with the King, should procure him to delay the making of Judges, when there were Judges to take it, it will not be denied that they do their best endeavor to make the King break his word; For if any use their favor about the King to procure Places of Judicature for money, they do what in them lies to make Justice it self saleable: For it is plain that he that buyes must sell, and cannot be blamed if he do sell.

“ I shall open the evil Consequences that depend upon the sale of Places of Judicature, or any Places of great trust.

“ 1. By this means unable men shall be sure of the precedence unto Places; For they being conscious of their own want of Merits, they must be made up by the weight in Gold.

“ 2. It must needs hence follow, that Suits, Contentions, Brawls and Quarrels shall be increased in the Commonwealth: For when men come to seats of Judicature by purchase, they must by increase of Suits increase their own profit.

“ 3. Men will not study for sufficiencie of Learning to be able to discharge their Places, but how they may scrape together Money to purchase Places.

“ 4. It will follow, that those that have the best Purfes, though worst Causes, will carry away the victory always.

“ 5. It will follow, that when they be preferred for money to those Places, they are tied to make the best of those Places *visis & modis*: And then the Great man that sold those Places to them, must uphold them in their Bribery; and he is tied to it, because they are his Creatures; nay further he is tied to support them in their Bribery, to advance their Places upon the next remove.

“ 6. And lastly, when good men and well deserving come to any Place, they shall not continue there, but they shall be quarrelled at, so that there may be a vacancie in that Place, and then some other shall suddenly step into the saddle by giving a competent price.

“ Upon these and the like reasons, this fact of selling and buying Places and Offices of Trust, hath not only been declaimed against by

“ Christians,

“ Christians, but also by Moral Pagans. *Aristotle* in his 5 *lib.* of *Ethicks*
 “ *cap.* 8. gives it as a *Caveat*, That no man amongst the *Thebans* was
 “ to take upon him any Place of Government in the Commonwealth
 “ if that he were a Merchant, unless there were ten years distance between.
 “ And the reason is this; Because Merchants are used to buying and
 “ selling, It is their Trade and Art to to get Money, so that their fingers
 “ are accustomed to that which they cannot leave when they come to
 “ Places of Trust and Judicature. Nay further, in honor of the Mer-
 “ chants, He is accounted the wisest Merchant that gains most; so that
 “ if any such comes to Offices and Places of Trust, he thinks it best to
 “ advance his profit.

“ Next to the *Pagans*, the *Popes*, a Generation full of Corruption,
 “ yet they by their Bulls are full of Declamation against such. And this
 “ is plain by a Bull of *Pius Quintus*, who lays the Penalty of Confisca-
 “ tion of Goods of any that do for money acquire any Offices, and con-
 “ demns them by his Papal sentence to be great sinners. So *Gregory* the
 “ Thirteenth condemns the like.

“ And now to come nearer home, to come to that which will prin-
 “ cipally lead your Lordships, which are the Judgments of your Ance-
 “ stors in Parliament; wherein it appears by the Statute of 5 *H. 6.* that
 “ the same Statute condemns the Seller and Receiver, as well as the Buyer
 “ and Giver. It further appears by the Preamble of that Statute, that
 “ such offences were against the Law, and they foresaw the Corruptions
 “ of those that came into those Places by those means, and that it is a
 “ hinderance of sufficient and worthy men from those Places. And also 2,
 “ & 3 *E. 6.* which was likewise cited in the Case of the Duke of *Somerset*,
 “ by which he was to forfeit his Estate, that one thing was for selling of
 “ Places in the Commonwealth for money. And certainly, with your
 “ Lordships favor, it is most just and probable, that they that profess them-
 “ selves to be *Patriots*, and shew by their actions that they aim at their
 “ own lucre, and labor to hinder the distributing of Justice, it is most just
 “ and proper that those men should return back again to the Publick
 “ Treasury of the King and Kingdom, what they have by their unsatisfied
 “ lucre gotten.

“ And so, my Lords, craving Pardon of you for my boldness, confu-
 “ sion and distractions in going through this business, I humbly leave my
 “ self to the judgments of your favors and charities, and this Great man
 “ the Duke to your wise Censure and Justice.

Then was read the Eleventh and Twelfth Articles.

XI. That he the said Duke hath within these ten years last past
 procured divers Titles of Honor to his Mother, Brothers, Kindred and
 Allies; as the Title of *Countess of Buckingham* to his Mother, while she
 was *Sir Thomas Compton's* wife; the Title of *Earl of A.* to his younger
 Brother *Christopher Villiers*; the Titles of *Baron of M. P.* *Vicount F.* and
Earl of D. to his Sisters Husband *Sir W. F.* the Titles of *Baron of S.* and
Vicount P. to *Sir John Villiers* elder Brother unto the said Duke; and
 divers more of the like kind to his Kindred and Allies: whereby the
 Noble Barons of *England*, so well deserving in themselves and in their
 Ancestors, have been much prejudiced, and the Crown disabled to re-
 ward extraordinary Vertues in future times with Honor; while the small
 Estates of those for whom such unnecessary Advancement hath been
 procured,

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His imbezling
and engroff-
ing the Kings
money and
Lands.

procured, are apparently likely to be more and more burthensom unto the King, notwithstanding such Annuities, Pensions, and Grants of Lands annexed to the Crown, of great value, which the said Duke hath procured for those his Kindred to support these their Dignities.

XII. He the said Duke not contented with the great Advancement formerly received from the late King of famous memory, by his procurement and practice in the Fourteenth year of the said King, for the support of the many Places, Honors and Dignities conferred on him, did obtain a grant of divers Manors, Parcel of the Revenue of the Crown and of the Duchy of *Lancaster*, to the yearly value of One thousand six hundred ninety seven pounds two shillings halfpenny farthing of the old Rent, with all Woods, Timber, Trees, and Advowson; part whereof amounting to the sum of Seven hundred forty seven pounds thirteen shillings four pence, was rated at Two and thirty thousand pounds, but in truth of a far greater value. And likewise in the Sixteenth year of the same Kings reign, did procure divers other Manors annexed to the Crown of the yearly value, at the old Rent, of Twelve hundred pounds or thereabouts, according as in a Schedule hereunto annexed appeareth: In the Warrant for passing of which Lands, he by his great favour procured divers unusual Clauses to be inserted (*viz.*) that no Perquisites of Courts should be valued, and that all Bailiffs Fees should be reprised in the particulars upon which those Lands were rated; whereby a president hath been introduced, which all those who since that time have obtained any Lands from the Crown, have pursued to the damage of his late Majesty, and of our Sovereign Lord the King that now is, to an exceeding great value. And afterwards he surrendered to his said Majesty divers Mannors and Lands, parcel of those Lands formerly granted unto him, to the value of Seven hundred twenty three pounds eighteen shillings and two pence half-penny *per annum*; in consideration of which surrender, he procured divers other Lands of the said late King to be sold and contracted for by his own Servants and Agents, and thereupon hath obtained grants of the same to pass from his late Majesty to several persons of this Kingdom, and hath caused Tallies to be stricken for the money, being the consideration mentioned in those Grants in the Receipt of the Exchequer, as if any such monies had really come to his Majesties Coffers; whereas the Duke, (or some other by his appointment) hath indeed received the same sums, and expended them upon his own occasions. And notwithstanding the great and inestimable gain by him made by the sale of Offices, Honors, and by other Suits by him obtained from his Majesty, and for the countenancing of divers Projects, and other Courses burthensom to his Majesties Realms, both of *England* and *Ireland*; The said Duke hath likewise by his procurement and practice received into his hands, and disbursed to his own use exceeding great sums, that were the monies of the late King of famous memory, as appeareth also in the said Schedule hereunto annexed: And the better to colour his doings in that behalf, hath obtained several Privy-Seals from his late Majesty, and his Majesty that now is, warranting the payment of great sums to persons by him named, causing it to be recited in such Privy-seals, as if those sums were directed for secret Services concerning the State, which were notwithstanding disposed of to his own use; and other Privy-seals by him have been procured for the discharge of those Persons without accompt; and by the like fraud and practice, under colour of free gifts from his Majesty,

A Majesty he hath gotten into his hands great sums, which were intended by his Majesty to be disbursed for the preparing, furnishing and victualling of his Royal Navy; by which secret and colourable devices, the constant and ordinary course of the Exchequer hath been broken, there being no means by matter of Record to charge either the Treasurer or Victualler of the Navy with those sums which ought to have come to their hands, and to be accounted for to his Majesty; and such a confusion and mixture hath been made between the Kings Estate and the Dukes, as cannot be cleared by the Legal Entries and Records, which ought to be truly and faithfully made, and kept, both for the safety of his Majesties Treasure, and for the indemnity of his Officers and Subjects whom it doth concern. And also in the Sixteenth year of the said King, and in the Twentieth year of the said King, he did procure to himself several Releases from the said King of divers great sums of the Money of the said King by him privately received, and which he procured, that he might detain the same for the support of his Places, Honors and Dignities. And these things, and divers other of the like kinde, as appeareth in the Schedule annexed, hath he done, to the exceeding diminution of the Revenues of the Crown, and in deceit both of our Sovereign Lord the King that now is, and of the late King *James* of famous memory, and to the detriment of the whole Kingdom.

C Before Mr *Sherland* entred to open and enlarge upon the Twelfth Article, he discoursed in general concerning Honors, mentioned in the preceding Article, and spake as followeth.

My Lords,

D "I T hath pleased God (who hath the disposing even of all things in
"his hands) to cast this service now upon me, who did formerly my
"endeavor to decline it, considering the weightiness of the business,
"the greatness of this presence, and my manifold defects, best known to
"my self: But another that should have with better contentment, I
"doubt not, performed this service, being fallen now sick, there is a
"necessity imposed on me by the House of Commons, wherein I shall
"be very plain, and short, according to the warning I had; yet I shall
"deal plainly and faithfully, according to the sense of that House by
E "whose command I now appear: And since I am now thrust as a Bush
"into the Gap, I hope your Lordships will not expect such a composure
"and strength of Speech which you have had from others of my
"Companions. The Subject that falls to my lot to speak of before
"your Lordships, are *Honor*, and *Justice*, two great Flowers of the
"Crown: I confess my self exceeding unfit and unable to speak of
"these Points before so great an Assembly of such Persons of so great
"Honor, and such Superior Judges of this Kingdom; but I must take
F "my Lot: It pleaseth your Lordships, as in Sphere, to take knowledge
"of the Grievances presented by the Commons House, which I desire
"and hope your Lordships will not take presumption.

"May it please your Lordships, the parts of this Charge, as you
"discern upon the reading of it, are two; the one general, the other
"particular: The general is, perverting the ancient and noble course of
"attaining

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Mr Sherland
enlarges the
Ninth Arti-
cle.

"attaining to the Titles of Honor. 2. The other, the compulsion or in-
"forcement of men unwilling to purchase Honor.

"For the first by way of Protestation, I am commanded by the
"House of Commons, to say, that they repine not at their advance-
"ment upon whom those Honors were conferred, but they think
"them worthy thereof; yet they wish for their sakes, and the safety
"of this Nation, their vertues had solely raised them, and that they had
"not been forced and constrained to contribute to this bottomless Gulf
"to attain their Titles.

"They complain again of this unworthy way brought in by this
"great man, they fall upon this in this manner, and found the Evils un-
"der which the Commonwealth suffers, and the Causes of them being
"two principal Evils, which are the decay and stopping of the Trade,
"and the Determination of Honor. In examination of which second Evil,
"the Trade and Commerce of Honor, we have, as the Commons do
"conceive, *confitentem reum*: For he endeavouring to colour the matter,
"sayes for himself, That he was not the onely introducer and first
"bringer in of this; but they finde that he was the first that defiled
"this Virgin of Honor so publickly, making an accompt, that all things
"and persons should stoop and subject themselves to his vain desires and
"extravagancy. Now that this commerce of Honor is an Offence; then
"to prove what kinde of Offence it is, is the onely thing I shall trouble
"your Lordships with.

1. "And first that it is an Offence, I shall draw my first Ar-
"gument from the *Nature of Honor*; Honor is a Beam of Vertue;
"now this Honor can be no more fixed upon an undeserving Per-
"son for Money, then Fire can be struck out of a Stick.

2. "From the *Subject of Honor*, which is Merit, for the which no price
"ought to be paid to any great man (by any undeserving) person for the
"fame, but their own merit and desert.

Then he passed to the Grievances which are caused by the selling of
Titles, and they are Three.

1. "First it is prejudicial to the Noble Barons of this King-
"dom.
2. "To the King, by disabling him to reward extraordinary ver-
"tues.
3. "To the Kingdom which comprehends both King, Lords,
"and people.

"For the first, He said, he would not trouble their Lordships with
"recital, how Ancient, how Famous the Degree of Barons hath been in
"these Western Monarchies; He said, the Baronage of *England* hath
"longer upheld that Dignity, and doth yet retain a greater height
"then in any other Nation; they are great Judges, a Court of the last
"refort, they are great Counsellors of State, and not onely for the
"present, but as Law-makers, Counsellors for the time to come; and
"this not by Delegacy and Commission, but by Birth and Inheritance:
"So that when any man shall be made a Member of this great Bo-
"dy, who is not qualified for the performance of such noble Functi-
"ons, it must needs be a prejudice to the whole body, and dishonor
"to the head. As if a little water be put into a great vessel of
"Wine,

“Wine, as it receives spirit and strength from the Wine, so it doth impart some degrees of its own infirmity and coldness to the Wine.

“Secondly, It is prejudicial to the King; not that it can disable him from giving Honor (for that is a power inseparable) but by making Honor ordinary, it becomes as an incompetent Reward for extraordinary virtue; when men are made noble, they are taken out of the Press of the common sort, and how can it chuse but fall in estimation, if Honor it self be made a Press?

“Thirdly, It is prejudicial to the Kingdom; the Stories and Records are full of the great assistance which the Crown hath received from the Barons, both in Foreign and Domestick Actions, not onely by their own persons, but by their Retinue and Tenants, and therefore they are called by *Bracton*, *Robur Belli*; how can we now expect the like from such as have no Tenants, and are hardly able to maintain themselves?

“But this is not all; for the prejudice grows not primitively by defect of that assistance which they might give the State, but positively they have been a great burthen to the Kingdom by Gifts and Pensions already received, and yet stand in need of more for the future support of their Dignities. This makes the Dukes offence the greater, that in this weakness and consumption of the Commonwealth, he hath not been contented alone to consume the publick Treasure, (which is the blood and nourishment of the State) but hath brought in others to help him in this work of destruction. And that they might do it more eagerly, by enlarging their Honors, he hath likewise enlarged their Necessities, and their Appetites. He did second his Charge with two Presidents; the first, 28 *Henry 6.* in the Complaint against the Duke of *Suffolk*, in the One and thirtieth Article of that Complaint, this was one of his Charges, That he *William de la Pool* Duke of *Suffolk*, had procured one who had married his Niece to be made Earl of *Kendal*, and obtained for him One thousand pounds *per annum* in the Duchy of *Guienne*; and yet this Party was the Son of a Noble and well deserving Father. So you see this is no new thing for the House of Commons to complain, that those that are neer the King should raise their Kindred to an unnecessary Honor; and if that were worthy of punishment for advancing of one, then what punishment is he worthy of that hath advanced so many?

“The second President is 17 *Edw. 4.* There passed an Act of Parliament, for the Degrading of *John Nevil*, Marquis *Montague*, and Duke of *Bedford*; the reason expressed in the Act is, because he had not a Revenue sufficient for the maintaining of that Dignity; to which is added another reason of that nature, that when men of mean birth are called to a high Estate, and have not livelihood to support it, it induceth great poverty, and causeth briberies and extortions, imbraceries and maintenance.

“And now my Lords, how far these Reasons shall lead your Judgements in this Case, I must leave it to your Lordships.

Then he read the Twelfth Article, being the second part of his Charge; the Title whereof was, The Exhausting, Intercepting and Misemploying the Kings Revenues.

He enlargeth the Twelfth Article.

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“ My Lords, This Article consists of several Clauses, which in
 “ some respects may be called so many distinct Charges; for though
 “ they all tend to one end and scope, the diminishing the Kings Trea-
 “ sure, yet it is by divers wayes, so that every Clause is a particular
 “ Branch. Therefore he desired to break it into parts, and to select the
 “ most material, either in point of offence or grievance, intending to pass
 “ through them with this order; first, to declare the state of the proof,
 “ and then to add such reasons and inforcements as he did conceive most
 “ conduceable to that Judgement which the Commons were to expect
 “ from their Lordships. A

He made two main Branches of this Article. The first concerns
 Lands obtained from the Crown; the second concerns Money in Pen-
 sions, Gifts, Farms, and other kinde of profit.

Touching the Lands he observed four Things. B

1. “ The sum of Three thousand thirty five pounds *per annum* of old
 “ Rent, besides the Forest of *Layfield*, of which we have no value, and
 “ we can finde no Schedule granted by the late King to my Lord of
 “ *Buckingham* within ten years past, as appeareth by the several Grants
 “ vouched in the Schedule annexed; and it was in it self a great grievance,
 “ That in a time of such necessity, when the Kings Revenues are not able
 “ to support such a great charge, that so much Land should be conveyed
 “ to a private man: This he acknowledged was not the Dukes case
 “ alone, for others had received divers Grants from the King, but none
 “ in so great measure. C

“ And because the Commons aim not at Judgement onely, but at
 “ Reformation, he wished, That when the King should bestow any
 “ Land for support of Honors, that the caution which was wont to be care-
 “ fully observed might again return into use; that is, to annex those
 “ Lands to the Dignity, lest being obtained and wasted, the Party repair
 “ to the King for a new support; by which provision the Crown will reap
 “ this Benefit, That as some Lands go out by new Grants, others will
 “ come in by spent Intails. D

“ He said he would not trouble their Lordships with repetition
 “ of the Laws heretofore made for preventing the alienation of the
 “ Kings Lands, and for resuming those that had been alienated, nor of
 “ the Ordinances made in this high Court for the same purpose, and
 “ Fines set upon those that presumed to break such Ordinances; he
 “ onely added as a further enforcement of the Grievance, That when
 “ the Kings Revenues be unable to defray publick necessities, the Com-
 “ mons must needs be more burthened with Supplies. E

2. “ His second Point was, the unusual Clauses which the Duke by
 “ his greatness hath procured to be inserted into the Warrants for
 “ passing of those Lands, of which two were mentioned; the first, That
 “ the casual profits should not be rated in the particulars; the second,
 “ That all Bailiffs Fees should be reprised: Both which are to be proved
 “ by the Warrants remaining with the Auditor of the Rates, and other
 “ Auditors; whereupon he presented these Considerations. F

“ First, That it was a mark of Ingratitude and Insatiableness in the
 “ Duke, thus to strain the Kings Bounty beyond his intention; and that
 “ he

"he would not receive this Bounty by the ordinary way, but by the way of Practice.

"Secondly, It argued Unfaithfulness in him, that being a sworne Counsellor, he should put the King into such Courses of so much prejudice, deceitfully, in concealing the value of that which he bought; so that the King gave he knew not what; For under the proportion of Two thousand pounds, he gives it may be Four thousand pounds. And by this the King did not only sustain great loss for the present, but it opened a way of continual loss, which hath ever since been pursued by all those who have passed Lands from the Crown.

"Thirdly, The King is hereby not left Master of his own Liberality, neither in proportion, nor certainty; for it might so fall out, that the Quantity passed from him, might be treble to that he intended.

"3. The third was, *The Surrender of divers Parcels of these Lands back to the King, after he had held them some years, and taking others from the King in exchange.* Where he noted,

"That the best of the Lands and most vendible being passed away, the worst lay upon the Kings hand; that if he shall have occasion to raise money by sale of Lands, that Course is not like to furnish him. Besides, that in the mean time betwixt the Grants and the Surrenders, opportunity was left to the Duke to cut down Woods, to infranchise Copiholds, to make long Leases; and yet the old Rent remaining still, the Land may be surendred at the same value. Whether this have been practised, he could not affirm, not having had time to examine it; yet he desired the Lords to enquire after it, the rather for that the Manor of G. in *Lincolnshire* being dismembred, and Seventeen pounds of the old Rents sold out of it, was by a Surrender turned back upon his Majesty.

"4. "The fourth point of this Branch was, The colourable Tallies divers parcels of these Lands had from the Crown in lieu of this surrender, being sold and contracted for by his own Agent, and the money received by himself or to his use, and yet Tallies were stricken out, as if it had really come to the Exchequer for his Majestys service. This is to be proved by his own Officers, by the Officers of the Exchequer, and by the Tallies themselves, which Tallies amount unto 20563*l.* 16*s.* 8*d.* Whence he observed,

"First, That there ran a trade of Falshood toward the King throughout all this his dealing.

"Secondly, That this was a Device thought upon to prevent the wisdom of Parliament; for by this means the Grant seems to have the face of valuable purchases, whereas they were indeed free gifts.

"Thirdly, If the Title of those Lands should prove questionable, it appearing by Record as if the King had received the money, he was bound in honor to make restitution, and yet the Duke had the profit.

"But it may be said, This was the Purchasors desire for their own security. Of which objection he made this use, That the Subjects generally took notice of so much Lands given to the Duke, that there is good cause to expect a Resumption.

"In

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"In the second general branch of this Article concerning Money, the first point observed was, the Total sum received by him in Ten years space, amounting to 162995 *l.* besides the Grant he hath of the Overplus above Three thousand pounds *per annum* to be made of the Third imposed upon Strangers goods, and besides the Moyetie of Seven thousand pounds out of the Customs of *Ireland*, which he is bound to pay to the King; but whether it hath been paid, or no, is doubtful.

"This he delivered as a Sum Estimative, yet so computed as it may be more, but not less. And this Total ariseth by free gifts, by Pensions to himself; else by profit of Farms, by Pensions to others; For Offices, whereof he received the profit, as the *Admiralty*, and *Master-ship of the Horse*. All which appear by a Schedule annexed to this Charge.

"The Grievances consist in this; That the Commonwealth hath been bereaved of the use and imployment of so Publick Treasure, in a time of as great want, and great occasions in this State, as it hath had in many Ages, when the expences of the Kings Court can hardly be supplied, when his Houses and Castles are unfurnished, when the Seas have been unguarded, the Coasts subject to the incursion and spoil of Enemies by default of provision in the Navy, to the dishonor of the Nation, and damage of the Subjects, and the hazard of the whole. And the offence in this, that the wants in the Navy and the Stores being within his own Charge, he was no more sensible of them; whereby it appears, he preferred the serving of his own turn before his duty, and before the safety of this State.

"The second point observed in this branch, was, That the Duke under pretence of secret services, hath procured great sums of money to be issued by Privy-seals to sundry persons named by himself, but afterward imployed to his own use. Hereof two instances are propounded: The one of Eight thousand pounds paid to Sir *Robert Pyc*, 12 Aug. 1620. and by him disbursed for the Dukes purchase of *Burleigh*, and Sir *Robert Pyc* discharged by another Privy-seal, 4 Junii following. The second instance is of Sixty thousand pounds paid to *Burlimach* by a Privy-seal, in September 1625. Which time he rather noted, because the Parliament at *Oxford* was broken up a little before out of discontent that the King was not supplied for the setting out of the Fleet, which would have been done with a less sum. For the proof of that, the House of Commons will offer to your Lordships Witnesses.

"The quality of this offence he left to their Lordships judgment; yet propounding some things by way of enquiry, from whence it might receive measure and proportion. 1. Whether it had not affinity with the Crime in the Civil Law, called *Crimen peculatus*; which was, when a man did unjustly turn to his own use that money which was either *sacra*, dedicated to Gods service religiously; or *religiosa*, used about Funerals and Monuments of the dead; or *publica*, of which kind the matter now in question is? And this offence by that Law was Death, and Confiscation of goods and estate. Which he notes the rather, that their Lordships might perceive, that in the wisest State the Publick Treasure was held in the same reputation with that which was dedicated to God and Religion. 2. And whether it doth not resemble another Crime in the same Law termed *Crimen falsi*, and is defined to be when a man shall

"imi-

A “ *imitatione veri suum compendium alieno dispendio per dolum facere*, by
 “ semblance of truth make gain to himself of other mens losses: Which
 “ in the case of a Bondman was Death, and in case of another man Banish-
 “ ment and Confiscation, or otherwise very penal, as the Judges should
 “ find cause of moderation, or rigor, in the nature and circumstances of
 “ the Fact. 3. Whether their Lordships will estimate it according to any
 “ Sentences in the *Star-chamber*, which have been very frequent in cases
 “ of Fraud: Or according to the Common-Law, which so much detests
 “ this kind of dealing, as that they term it *Covin*, and make it vitiate ordi-
 “ nary and lawful actions. Or lastly, whether they will measure it by that
 “ Judgment which the Duke hath pass’d against himself in the guilt of
 “ his own Conscience? (Direct Actions are not afraid to appear open-
 “ faced; but Injustice and Fraud desire to be masked with Subtilty and
 “ Closeness.) It were offence enough, if there were no more but a cunning
 “ concealing of unthankfulness to hide his Majesties bounty; or guilt of
 B “ unworthiness, as if he durst not avow the receipt of that which he had not
 “ merited; both which proceed from *Malum culpe*: Or else that other
 “ kind of guilt which proceeds from *Malum pene*, the fear of punishment,
 “ foreseeing this Inquisition into his actions, and hoping under this dis-
 “ guise of Publick service to escape their Lordships censure.

C “ The third point in this branch is, That he hath received sundry sums
 “ of money intended for the maintenance of the Navy: whereof there
 “ are two instances; the one whereof is 20000*l.* the other of 30000*l.*
 “ both in *January* 1624. By Privy-seal, by the which these sums are
 “ issued, they appear to be Free gifts: But by the affirmation of some in
 “ answer for the Duke, it hath been said, He was only the hand to convey
 “ them to the Treasury of the Navy. If the truth be according to the
 “ Privy-seal, they are to be added to the former Total as parcel of his own
 “ gain: If according to that allegation, it may prove a president of great-
 “ er damage to the King, then the money is worth; for by this way his
 D “ Majesty hath no means by matter of Record to charge the Treasurer of
 “ the Navy with these sums, and may lose the benefit of the Act of Par-
 “ liament 13 *Eliz.* whereby Accomptants Lands are made liable to the
 “ payment of their Debts to the King, and in many cases may be sold for
 “ his Majesties satisfaction. The Treasurer of the Navy is a worthy man;
 “ but if he should die, the King loseth the benefit.

E “ The fourth point of this branch is, That he hath caused so great a
 “ mixture and confusion between the Kings Estate and his own, that they
 “ cannot be distinguished by the Records and Entries which ought to be
 “ kept for the safety of his Majesties Treasure, and indemnity of the
 “ Subject. This is proved in divers instances, whereof the last alleaged
 “ is one, and others follow.

F “ By the wisdom of the Law in the constitution of the *Exchequer*,
 “ there be three Guards set upon the Kings Treasure and Accompts.
 “ The first is a legal Impignoration, whereby the Estates personal and
 “ real of the Accomptants are made liable to be sold for the discharge of
 “ their Debts, which I mentioned before. The second, an apt Control-
 “ ment over every Office; by which the King relies not upon the in-
 “ dustry and honesty of any one man; but if he fail in either, it may be
 “ discovered by some other sworne to take notice of it, and either to
 “ correct his Errors, or amend his Faults. The third is, a durable Evi-
 “ dence

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“ dence and Certainty, not for the present time only, but for perpetuity ;
 “ because the King can neither receive, or pay, but by Record.

“ All these Guards have been broken by the Duke, both in the Cases
 “ next before recited, and in these which follow. The Custom of the
 “ *Exchequer* is the Law of the Kingdom, for so much as concerneth the
 “ Kings Revenue. Every breach of a Law by a particular offence, is pu-
 “ nishable ; but such an offence as this, being destructive of the Law it
 “ self, is of a far higher nature.

“ The fifth point of this second branch, is concerning two Privy-seals
 “ of Release ; the one 16, the other 20 *fac.* whereby this Duke is dis-
 “ charged of divers sums secretly received to his Majesties use, but by
 “ vertue of these Releases to be converted to the support of his own
 “ Estate : The proof hereof is referred to the Privy-seals themselves.
 “ From which he made one observation, of the subtilty he used to winde
 “ himself into the possession of the Kings money, and to get that by
 “ cunning steps and degrees, which peradventure he could not have
 “ obtained at once. A good Master will trust a Servant with a greater
 “ sum that is out of his purse, then he would bestow upon him being in
 “ his purse ; and yet after it is out of his hands, may be drawn more
 “ easily to make a Release, then at first to have made a Free gift. This
 “ is a proper instance to be added to the proof of the point of mingling
 “ his own Estate with the Kings ; and of the same kind be other parti-
 “ culars mentioned in the Schedule, though not expresse in the Charge ;
 “ as Twenty thousand pounds received in Composition for the Earl of
 “ *M.* his Fine, which cannot be discovered whether part or all be con-
 “ verted to the Dukes benefit, and yet it appears by a Privy-seal to be
 “ cleerly intended to the Kings own service for the Household and War-
 “ drobe, till by the Dukes practice it was diverted into this close and
 “ by-way.

“ Another instance in this, is, His endeavor to get the money
 “ which should be made of Prize-goods into his own hands : And for
 “ this purpose, he first labored to procure that his man *Gabriel Marsh*
 “ might receive it ; and when it was thought fit some Partner should be
 “ joined with him, trial was made of divers, but none of any credit would
 “ undertake the Charge with such a Consort. And the Commons have
 “ reason to think there was good cause of this refusal, for he is so ill
 “ an Accomptant, that he confessed in their House (being examined)
 “ that by authority from the Duke he received divers bags of gold and
 “ silver out of the *S. Peter of Newhaven*, which he never told.

“ When this practice of imploying his own man would take no
 “ effect, then he procured a Commission from Sir *William Russell*, who
 “ is indeed without exception an able and worthy Officer ; but that is
 “ not enough for the Kings security ; For howsoever he was to receive
 “ the money, it was to be disbursed by and to the Dukes warrant and
 “ profit. Which Clause hath been altered since this was questioned in
 “ Parliament ; and now it is to be issued from an immediate Warrant
 “ from his Majesty : But as it was before, it may be noted as an incroach-
 “ ment upon the Office of my Lord Treasurer, whereby he might make
 “ a more easie way to some sinister end of his own ; so that upon the mat-
 “ ter, Sir *William* was but a safeguard of the money for the Duke himself.
 “ And this I must note of some guilt in the very act of it.

A "The last point upon this whole Charge, was a reduction of the value
"of the Land, together with the mony into one totall, and to that
"purpose, he rated the Land, being valued at a reasonable value, at forty
"years purchase, for although some of it was sold for thirty, yet a great
"part was worth more then a hundred years purchase, so as forty years
"is conceived to be an easy *Medium*; at this rate 3035 *l.* amounteth to
"121400*l.* which being added to the total of the mony received 162995 *l.*
"both together make the sum of 284395 *l.* besides the Forrest of *Ley-*
"feild, and besides the profit made out of the thirds of Strangers
"goods, and the Moyetie of the profit made out of the Customes of
"Ireland.

B "This is a great sum in it self, but much greater by many Circum-
"stances; if we look upon the time past, never so much came into any
"private mans hands out of the publique purse; if we respect the time
"present, the King never had so much want, never so many forreign oc-
"casions, important and expensive; the Subjects never have given great-
"er supplies, and yet those supplies unable to furnish these expences.
"But as the Circumstances make the sum greater, so there be other Cir-
"cumstances which make it less, if it be compared with the inestimable
"gain he hath made by the sale of Honors and Offices, and by projects
"hurtfull to the State, both of *England* and *Ireland*; or if it be compa-
"red to his profusion, it will appear but a little sum. All these gifts, and
"other ways of profit notwithstanding, he confest before both Houses
"C of Parliament, that he was indebted 100000 *l.* If this be true, how
"can we hope to satisfie his prodigality? if false, how can we hope to
"satisfie his Covetousness? and therefore their Lordships need not won-
"der if the Commons desire, and that earnestly, to be delivered from such
"a Grievance.

D "That this complaint and proceedings of theirs may appear to be
"suitable to the proceedings of their Predecessors in like Cases; he al-
"leged three Presidents, which he said were Presidents in kinde, but
"not in proportion, because there hath never been the like.

The first 10 *Rich. 2.* in the Complaint against *Michael de la Pool*, Earl
"of *Suffolk*; out of which he took Three Articles, the first, That being
"Chancellor and sworn to the Kings profit, he had purchased divers
"Lands from the King, more then he had deserved, and at an under rate;
"yet this was thought to be an offence against the State.

E "The second, That he had bought of one *Tydmán* an Annuity of
"Five hundred pound *per annum*; which Grant was void by the Laws,
"yet he being Chancellor, procured the King to make it good by a new
"Grant upon Surrender of the old. This was complained of in Parlia-
"ment, and there punished.

"The third, Whereas the Master of *St. Antonies* being a Schisma-
"tick, had forfeited his Possessions into the Kings hand; this Earl took
"them in Farm at Twenty Marks a year, converting the overplus which
"was One thousand Marks to his own profit, which should have come to
"the King.

F "The next President 11 *Rich. 2.* in the Judgment against *Robert de*
"*Vere* of *Oxford*, and others; out of which, he took two Articles, the
"Fifth and the Seventh: The Fifth was for taking Mannors and Lands
"annexed to the Crown, whereby they themselves were enriched, and the
"King made poor; the Seventh was for intercepting the Subsidies grant-
"ed for the defence of the Kingdom.

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“ The third President is that of 28 *Hen. 6.* in the Parliament Roll,
 “ out of the Complaint against *William de la Pool*, Duke of *Suffolk*,
 “ Article 29. That he being next and primeſt of Council to the King,
 “ he had procured him to grant great Poſſeſſions to divers perſons,
 “ whereby the King was much impoveriſhed, the expence of his Houſe
 “ unpaid, Wages, Wardrobe, Caſtles, Navy, Debts unſatisfied; and
 “ ſo by his ſubtile Council, and unprofitable Labor, the Revenues of
 “ the Crown and the Dutchy of *Lancaſter*, and other the Kings Inheri- A
 “ tances ſo much diminifhed, and the Commons of the Kingdom ſo ex-
 “ treemly charged, that it was near to a final deſtruction.

“ The fourth was, That the Kings Treafure was miſchievouſly diſtri-
 “ buted to himſelf, his friends, and well-willers; ſo that for lack of
 “ Money, no Army, nor Ordnance could be provided in time; and be-
 “ cauſe theſe great perſons were not brought to judgment upon theſe
 “ Articles alone, but for other miſdemeanors, he made this obſervation,
 “ That ravening upon the Kings Eſtate is always accounted with other B
 “ great faults that deſerve judgment.

Then he ſaid he had done with that which had been left to him; and
 ſo he left the Duke to their Lordſhips Juſtice, That as he had exceeded
 others in this Offence, ſo he might not come behinde them in puniſhment.
 And ſo he humbly deſired their Lordſhips to be pleaſed to pardon his De-
 livery, and to give a favorable cenſure of him.

Laſtly, The Thirteenth Article was read. C

XIII. Whereas eſpecial care and order hath been taken by the Laws
 of the Realm, to reſtrain and prevent the unſkilful Adminiſtration of
 Phyſick, whereby the health and life of men may be much endangered.
 And whereas moſt eſpecially, the Royal Perſons of the Kings of the
 Realm, in whom, we their Loyal Subjects, humbly challenge a great in- D
 tereſt, are and always have been eſteemed by us ſo ſacred, that nothing
 ought to be prepared for them, or adminiſtered unto them in the way of
 Phyſick or Dyet in the times of their ſickneſs, without the conſent and
 direction of ſome of their ſworn Phyſitians, Apothecaries, or Surgeons.
 And the boldneſs of ſuch (how near ſoever to them in place and favor)
 who have forgotten their Duties ſo far, as to preſume to offer any thing
 unto them beyond their experience, hath been always ranked in the num-
 ber of high Offences and Miſdemeanors. And whereas the ſworn Phy-
 ſitians of our late Sovereign Lord King *James* of Bleſſed memory, at- E
 tending on his Maſteſty in the moneth of *March*, in the Two and twentieth
 year of his moſt glorious Raign, in the times of his ſickneſs, being an
 Ague, did in due and neceſſary care of, and for the recovery of his health
 and preſervation of his Perſon, upon and after ſeveral mature Conſulta-
 tions in that behalf had and holden, at ſeveral times in the ſame moneth,
 reſolve and give directions, That nothing ſhould be applied or given unto
 his Highneſs, by way of Phyſick or Dyet, during his ſaid ſickneſs, but
 by and upon their general advice and conſents, and after good delibera- F
 tion thereof firſt had, more eſpecially by their like care, and upon like
 conſultations; did juſtly reſolve and publickly give warning to and for
 all the Gentlemen, and other Servants and Officers of his ſaid late
 Maſteſties Bed-chamber, That no Meat nor Drink whatſoever ſhould be
 given unto him, within two or three hours next before the uſual time of
 and

and for the coming of his Fit in the said Ague, nor during the continuance thereof, nor afterwards, until his cold Fit were past. The said Duke of *Buckingham* being a sworn Servant of his said late Majesty, of and in his Majesties said Bed-chamber, contrary to his duty and the tender respect which he ought to have had of his Majesties most Sacred Person; and after the Consultations, Resolutions, Directions, and Warning afore said, did nevertheless without any sufficient warrant in that behalf, unduly cause and procure certain Plaisters, and a certain Drink or Potion to be provided for the use of his said Majesty, without the direction or privity of his said late Majesties Physicians, not prepared by any of his Majesties sworn Apothecaries or Chirurgeons, but compounded of several ingredients to them unknown. Notwithstanding the same Plaisters, or some Plaister like thereunto, having been formerly administered unto his said Majesty, did produce such ill effects, as that some of the said sworn Physicians did altogether disallow thereof, and utterly refused to meddle any further with his said Majesty, until these Plaisters were removed, as being hurtful and prejudicial to the health of his Majesty; yet nevertheless the same Plaisters, as also a Drink or Potion, was provided by him the said Duke; which he the said Duke, by colour of some insufficient and slight pretences, did upon Monday the One and twentieth day of *March*, in the Two and twentieth year afore said, when his Majesty by the judgment of his said Physicians, was in the declination of his Disease, cause and procure the said Plaisters to be applied to the Brest and Wrists of his said late Majesty. And then also at and in his Majesties Fit of the said Ague, the said Munday, and at several times within two hours before the coming of the same Fit, and before his Majesties then cold Fit was passed, did deliver, and cause to be delivered, several quantities of the said Drink or Potion to his said late Majesty; who thereupon at the same times, within the seasons in that behalf prohibited by his Majesties Physicians as afore said, did by the means and procurement of the said Duke, drink and take divers quantities of the said Drink or Potion.

After which said Plaisters, and Drink or Potion, applied and given unto, and taken and received by his said Majesty as afore said, great distempers and divers ill symptoms appeared upon his said Majesty, in somuch, That the said Physicians finding his Majesty the next morning much worse in the estate of his health, and holding a Consultation thereabout, did by joynt consent send to the said Duke, praying him not to adventure to minister to his Majesty any more Physick, without their allowance and approbation. And his said Majesty himself finding himself much diseased and affected with pain and sickness, after his then fit, when by the course of his Disease he expected intermission and ease, did attribute the cause of such his trouble unto the said Plaister and Drink, which the said Duke had so given, and caused to be administered unto him. Which said adventurous act by a person obliged in duty and thankfulness, done to the Person of so great a King, after so ill success of the like formerly administered, contrary to such Directions as afore said, and accompanied with so unhappy event, to the great grief and discomfort of all his Majesties Subjects in general, is an Offence and Misdemeanor of so high a nature, as may justly be called, and is by the said Commons deemed to be an act of transcendent presumption, and of dangerous consequence.

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The Thirteenth Article enlarged by Mr. Wandesford.

Mr. *Wandesford* deputed to enlarge and aggravate upon the Thirteenth Article, commended the charity and providence of that Law, which makes it penal for unskilful Empyricks, and all others, to exercise and practice Physick upon common persons, without a lawfull Calling and Approbation, branding them that thus transgress, as *Improbos, Ambitiosos, Temerarios, & Audaces homines*: But he that without skill and calling shall direct a Medicine, which upon the same person had wrought bad effects, enough to have dissuaded a second adventure; and then when Physitians were present, Physitians selected for Learning and Art, prepared by their Office and Oaths, without their consent, nay, even contrary to their Direction, and in a time unseasonable, He must needs (said he) be guilty, albeit towards a common person of a precipitate and unadvised rashness, much more towards his own Sovereign. And so pious are our selves to put the Subjects in minde of their duty towards their Princes, Persons so Sacred, that in the attempt of a Madman upon the King, his want of Reason, which towards any of his fellow Subjects might have quit him of Felony, shall not excuse him of Treason. And how wary and advised our Ancestors have been not to apply things in this kinde to the Person of a King, may appear by a President, 32 *Hen. 6.* where *John Arundel*, and others, the Kings Physitians and Chirurgeons, thought it not safe for them to administer any thing to the Kings Person, without the assent of the Privy Council first obtained, and expresse Licence under the Great Seal of *England*.

This Medicine found his Majesty in the declination of his disease, (and we all wish it had left him so) but his better days were shortly turned into worse; and instead of health and recovery, we hear by good testimony (that which troubles the poor and loyal Commons of *England*) of great distempers, as Drougths, Raving, Fainting, an intermitting Pulse, strange effects to follow upon the applying of a Treacle Plaister. But the truth is, Testimony tells us, That this Plaister had a strange smell, and an invective quality striking the malignity of the disease inward; which Nature otherwise might have expelled outward. Adde to this the Drink twice given to his Majesty, by the Duke his own hands, and a third time refused, and the following Complaint of that blessed Prince, the Physitians telling him, to please him for the time, That his second impairment was from cold taken, or some other ordinary cause: *No, no*, said his Majesty, *it is that which I had from Buckingham*. And though there be no President (said he) of an act offered to the Person of a King, so insolent as this, yet is it true that divers persons, as great as this, have been questioned and condemned for less offences against the Person of their Sovereign. It was an Article amongst others laid against the Duke of *Somerſet*, for carrying *Edward* the Sixth away in the night time out of his own head but from *Hampton Court* to *Windſor*; and yet he was trusted with the Protection of his person: Presidents failing us in this point, the Common Law will supply us. The Law judgeth a deed done in the execution of an unlawful act, Man-slaughter, which otherwise would but have been Chance-medley; and that this act was unlawful, the House of Commons do believe, as belonging to the Duty and Vocation of a sworn and experimented Physitian, and not the unskilfulness of a yong Lord. And so pretious are the lives of men in the Eye of the Law, that though Mr. *Stanford* saith, If a Physitian take one into his Cure, and he die under his hands; it is not Felony, because he did it

not

not Feloniously. Yet it is Mr. *Bractons* opinion, That if one that is no Physitian or Chirurgeon undertake a Cure, and the party die under his hands, this is Felony. And the Law goeth further, making Physitians and Chirurgeons themselves accomptable for the Death of their Patients, if it appear they have transgressed the Rules of their own Art; that is, by undertaking a thing wherein they have no experience, or having yet failed in the care and diligence.

A Lastly, He said he was commanded by the House of Commons to desire their Lordships, That seeing the Duke hath made himself a President in committing that which former Ages knew not, their Lordships will out of their Wisdom and Justice make him an example for the time to come.

B The severall Articles being thus enlarged and aggravated by the said respective Members, Sir *John Elliot* was appointed to make the *Epilogue* to the Impeachment, who spake thus.

My Lords,

C “Y Our Lordships have heard in the Labors of these two days spent in this Service, a Representation from the Knights, Citizens, and Burgeses of the Commons House of Parliament, of their Apprehension of the present Evils, and dangers of this Kingdom; of the Causes of the same; and of the Application of them to the Duke of *Buckingham*, so clearly and fully, as I presume your Lordships expect I should rather conclude, then adde any thing to his charge.

Sir *John Elliot's* Speech concluding the Dukes Impeachment.

“Your Lordships have heard how his Ambition was expressed in procuring, and getting into his hands, the greatest Offices of strength and power of this Kingdom; by what means he had attained them; and how Money stood for Merit.

D “There needs no Argument to prove this but the common sense of the Miseries and Misfortunes which we suffer, adding but one, The Regality of our Narrow Seas, the Antient Inheritance of our Princes, lost or impeached.

“This I need not further to press, but from hence my Observation must descend to his other Virtues, and that by way of Perspective: I shall give it so near and short, as rather to exercise your Lordships Memory, then to oppress your patience.

E “First, I propose unto your Lordships, the inward Character of the Dukes minde, which is full of Collusion and Deceit, I can express it no better then by the Beast called by the Antients *Stellionatus*; a Beast so blar'd, so spotted, so full of foul lines, that they knew not what to make of it: So do we finde in this mans practice, who first inveagled the Merchants, drawing them to *Deep* to be intralld; then dealt deceitfully with the King, to colour his Offences, his design being against *Rochel*, and the Religion: Next with the Parliament, to disguise his Actions, a practice no less dangerous and disadvantageous to us, then prejudicial to our Friends and Allies.

F “Next I present to your Lordships, the Dukes high oppression, and that of strange latitude and extent, not to Men alone, but to Laws and Statutes, to Acts of Council, to Pleas and Decrees of Court, to the pleasure of his Majesty; all must stoop to him, if they oppose or stand
“in

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"in his way. This hath been expressed unto you in the Ship called the
 "St. Peter, and those of Deep, nay, he draws on the colour of his Ma-
 "jesties great Name to shadow his design.

"It had been his duty, nay, the trust of his place, not to have
 "translated them into the hands of strangers; that had his Majesty
 "yeilded in that point, the Duke should have opposed it by his con-
 "tinual Prayers and Intercessions, making known unto his Majesty the
 "Inconveniencies likely to ensue, and not to rest there, but to have re-
 "ported it to your Lordships sitting in Council, to have desired and
 "prayed your aid and assistance, in a matter of so great importance:
 "And if this had failed, he should have entered into a Protestation
 "against it. This hath been done by worthy Predecessors in that Office,
 "and this had been the worthy discharge of the great trust reposed in
 "his place.

"I heard the Ships were returned, but I know it not; but if I
 "knew so, this neither excuseth, nor qualifieth the Dukes offence.
 "The French in this case are to be commended, not he excused;
 "he left them in the hands of a Foreign Power, who when they
 "once had them, for any thing he knew, might easily have kept
 "them.

"The third head is, The Dukes extortion in exacting from the
 "East-India Company, without right or colour, Ten thousand pounds,
 "exquisitely expressed, and Mathematically observed by the Gentle-
 "man (you know by whom employed) who by his Marine experience,
 "learned this Observation, That if the Fleet gained not the wind by
 "such time at the Cape, the Voyage was lost.

Here one of the Lords interposing privately, It was the King that
 employed him; Sir *John Elliot* in the Name of the Commons makes
 this *Protestation*.

"Far be it from them to lay any *odium* or Aspersions on his Majesties
 "Name, they hold his Honor spotless, nor the least shadow of blemish
 "can fix upon him in this business.

"Next to foul Extortion, is Bribery and Corruption in the Sale of
 "Honor and Offices of Command. That which was wont to be the
 "crown of Vertue and Merit, is now become a merchandise for the great-
 "ness of this man, and Justice it self made a prey unto him. All which
 "particulars your Lordships have heard opened and enforced with Rea-
 "sons and Proofs, what in themselves they are, and therefore I spare fur-
 "ther to press them.

"In the fifth place, I observe a wonder in Policy and in Nature,
 "how this man so notorious in evil, so dangerous to the State in his im-
 "mense greatness, is able to subsist of himself, and keep a Being? To
 "this I answer, That the Duke hath used the help of art to prop him
 "up: It was apparent, That by his skill he hath raised a party in the
 "Court, a party in the Country, and a main party in the cheif places of
 "Government in the Kingdom: So that all the most deserving Offices
 "that require Abilities to discharge them, are fixed upon the Duke, his
 "Allies, and Kinred. And thus he hath drawn to him and his, the
 "Power of Justice, the Power of Honor, and the Power of Command,
 "and in effect the whole Power of the Kingdom, both for Peace and War,
 "to strengthen his Allies; and in setting up himself, hath set upon the
 "King-

" Kingdoms Revenues, the Fountain of Supply, and the Nerves of the
" Land.

" He intercepts, consumes, and exhausts the Revenues of the Crown,
" not onely to satisfie his own lustful desires, but the Luxury of others ;
" and by emptying the Veins the Blood should run in, he hath cast the
" Body of the Kingdom into a high Consumption.

A " Infinite sums of Money, and mass of Land, exceeding the value
" of Money, Contributions in Parliament have been heaped upon him,
" and how have they been employed ? Upon costly Furniture, sumptu-
" ous Feasting, and magnificent Building, the visible evidences of the
" expresse exhausting of the State ; and yet his Ambition, which is
" boundless, resteth not here, but like a violent flame bursteth forth,
" and getteth further scope: Not satisfied with injuries, and injustice,
" and dishonoring of Religion, his attempts go higher, to the pre-
" judice of his Sovereign, which is plain in his practice. The effects
B " I fear to speak, and fear to think, I end this passage as *Cicero* did in
" a like case, *Ne gravioribus utar verbis quam rei natura fert, aut levioribus*
" *quam causa necessitas postulat.*

C " Your Lordships have an *Idea* of the Man, what he is in himself,
" what in his affections. You have seen his power, and some I fear have
" felt it; you have known his practice, and have heard the effects. It
" rests then to be considered, what (being such) he is in reference to the
" King and State? how compatible or incompatible with either? In re-
" ference to the King, he may be stiled the Canker in his Treasure; in
" reiference to the State, the Moth of all goodness. What future hopes
" are to be expected, your Lordships may draw out of his Actions and
" Affections. I will now see by comparison with others, to what we
" may finde him likened. I can hardly finde him a match or parallel
" in all Presidents; none so like him as *Sejanus*, who is thus described by
" *Tacitus*, *Audax, sui obtegens, in alios criminator, juxta adulator & su-*
" *perbus.*

D " To say nothing of his Veneries, if you please to compare them,
" you shall easily discern wherein they vary; such boldness of the one
" hath lately been presented before you, as very seldom or never hath
" been seen. For his secret Intentions and Calumniation, I wish this
" Parliament had not felt them, nor the other before. For his Pride
" and Flattery, it is noted of *Sejanus* that he did *Clientes suos Provinciis*
" *adornare.* Doth not this Man the like? Ask *England*, *Scotland*, and
" *Ireland*, and they will tell you. *Sejanus* pride was so excessive, as *Ta-*
E " *citus* saith, he neglected all Councel, mixed his businesses and service
" with the Prince, seeming to confound their Actions, and was often
" stiled *Imperatoris laborum socius.* How lately, and how often hath this
" Man commixed his Actions in Discourses with Actions of the
" Kings?

F " My Lords, I have done, you see the Man; onely this which was
" conceived by the Knights, Citizens, and Burgeffes, should be boldly
" by me spoken, That by him came all these evils, in him we finde the
" Cause, and on him we expect the Remedies, and to this we met
" your Lordships in Conference; to which, as your Wisdom invites
" us, so we cannot doubt, but in your Lordships Wisdom, Great-
" ness, and Power, we shall in due time finde Judgment as he de-
" serves.

" I con-

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"I conclude by presenting to your Lordships, the particular Censure
 "of the Bishop of Ely, reported in the 11 Rich. 1. and to give you a
 "short view of his faults. He was first of all noted to be Luxurious;
 "secondly, He married his own Kinred to Personages of highest rank
 "and places; thirdly, No mans business was done without his help;
 "fourthly, He would not suffer the Kings Council to advise in Matters
 "of State; fifthly, He grew to such a height of Pride, that no man was
 "thought worthy to speak unto him; and lastly, His Castles and Forts
 "of Trust, he did *obscuris & ignotis hominibus tradere*; his doom was this,
 "*Per totam insulam publicè proclamatur, periat qui perdere cuncta festinat,*
 "*opprimatur ne omnes opprimat.*

Sir John Elliot
 and Sir Dudley
 Diggs com-
 mitted to the
 Tower.

Sir Dudley Diggs having made the Prologue, and Sir John Elliot the Epilogue, in the Impeachment of the Duke, they were both by the Kings Command committed to the Tower.

Upon the Impeachment of the Duke, a Paper was privately conveyed to the King, importing,

Private Sug-
 gestions to the
 King, in be-
 half of the
 Duke.

That this great opposition against the Duke, was stirred up and maintained by such as seek the destruction of this free Monarchy. Because they finde it not yet ripe to attempt against the King himself, they endeavor it through the sides of the Duke. The persons agreeing in this one mischeif, are of divers sorts and humors. First, Medling and busie persons, who love popular Speeches: Secondly, Covetous Landlords, Inclosers, Depopulators, &c. who being of the Parliament, ease themselves in Subsidies, and lay it on the true Commons, and cry out the grievances are caused by the Duke. Thirdly, Recusants who hate the Duke for the breach of the Spanish Match. Fourthly, Persons indebted, who by priviledge of Parliament avoid payment. Fifthly, Puritans and Sectaries, though two of them scarcely agree in what they would have: Haters of Government, and would have the Kings power extinguished in matters Ecclesiastical, and limited in Civil. Sixtly, Male-contents, who look upon the Duke with an evil eye, because themselves are not preferred. Seventhly, Lawyers, who are very fit in Parliaments to second any Complaint against both Church and King, and all his Servants, with their Customs, Antiquities, Records, Statutes, Presidents, and Stories. Eighthly, Merchants and Citizens, who deceive the King of Custom. Ninethly, Innovators, Plebicola.

That since the time of Henry the Sixth, these Parliamentary discourings might never be suffered, as being but certain symptomes of Subsequent Rebellions, Civil Wars, and the dethroning of our King, and no one Patriot daring to oppose them, least he incur the reputation of a Fool or Coward in his Countreys Cause.

His Majesty therefore strengthened himself ever with some Favorite, as whom he might better trust, then many of the Nobility, tainted with this desire of Oligarchy,

It behoveth without doubt his Majesty to uphold the Duke against them, who if he be but decourted, it will be the Corner Stone, on which the demolishing of his Monarchy will be builded: For if they prevail with this, they have hatch-ed a thousand other demands to pull the Feathers of Royalty.

They will appoint him Counsellors, Servants, Alliances, Limits of Expences, and account of his Revenue; cheifly if they can, they will now dazzle him in the beginning of his raign.

Lastly, King James and King Charls are the Dukes Accusers, in all the Aspersions that are laid upon him. King James for the Money destined for the Wars

Wars in his time, spent in Treaties, &c. And his Majesty can testifie for the things done in his time. And all these, though actions of the King, are imputed to the Duke: Who if he suffer for obeying his Sovereign, the next attempt will be to call the King to accompt for any thing he undertakes, which doth not prosperously succeed, as all men would desire it.

2 Caroli.

If it please his Majesty to remove and set aside all these disadvantages, he shall find the Charge against the Duke very empty and of small moment: And if his Majesty and the Dukes Grace think it no impeachment to their Honors, all that the Parliament hath objected against the Duke, except two or three things that may receive an Answer, is pardoned at the Kings Coronation, which benefit every poor Subject enjoyeth.

May 11. The King came to the Parliament, and spake to the House of Peers as followeth,

My Lords,

THe cause, and onely cause of my coming to you this day, is to expresse the sense I have of all your Honors; for he that toucheth any of you, toucheth me in a very great measure. I have thought fit to take order for the punishing some insolent speeches lately spoken. I have been too remiss heretofore in punishing such speeches as concern my self; Not that I was greedy of their monies, but that Buckingham through his importunity would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his Trial. And to approve his innocencie as touching the matters against him, I my self can be a Witness to clear him in every one of them.

Kings Speech concerning the Duke.

I speak not this to take any thing out of your hands; but to shew the reason why I have not hitherto punished those insolent speeches against my self. And now I hope you will be as tender of my Honor, when time shall serve, as I have been sensible of yours.

And so his Majesty was pleased to depart.

The same day this following Message was brought from the Commons to the Lords, by Sir Nathanael Rich.

The Commons taking into serious consideration the many mischiefs and inconveniences which this renowned Kingdom doth now suffer, threatening apparent danger to the King and Commonwealth, have by search and disquisition into the Causes thereof, found that they do principally flow from the exorbitant power and abusive carriage of the Duke of Buckingham, whereof he hath this Parliament been impeached before their Lordships by the Commons; besides an accusation of a War in their own House, who hath charged him (as they are informed) of High-Treason: They therefore with one voice make an entire Declaration, That they hold it a thing of dangerous Consequence both for the present and future times, that a man of so great eminence, power and authority, being impeached and accused of such high Crimes and Offences, should yet enjoy his

The Commons Message by Sir Nath. Rich to secure the Duke.

An. 1626.

Liberty, hold so great a part of the strength of the Kingdom in his hands, sit as a Peer in Parliament, and be acquainted with the Counsels thereof, whereby inevitable mischief may suddenly fall upon the Kingdom. Wherefore they have thought it their duty to recommend this their unanimous desire to their Lordships, as agreeable to Law and reason, That they would be pleased forthwith to commit the person of the said Duke to safe Custody.

Whereupon the Duke made this Speech in the Lords House.

My Lords,

The Dukes
Speech against
the Commons.

"IF I should hold my peace, it would argue guilt; If I should speak, it would argue boldness, being so foully accused. Your Lordships see what Complaints are made against me by the House of Commons. How well I stood in their opinions not long since, your Lordships know it: What I have done since to lose their good opinions, I protest I know not. I cannot so distrust my own Innocencie, and my heart which abhors guilt, as to decline any Course, or Court of Justice: And had not they brought my Cause to your Lordships, it should have been my own work; And they have done me a favor to deliver me out of their hands into your Lordships.

"I will not speak any thing to cast dirt at those, who have taken pains to make me so foul; but to protest my innocencie in that measure, which I shall ever hope to prove, it being before such just Judges: I desire my Trial may be hastened, that I may no longer suffer then I must needs. And now that my Accuser hath not been content only to make my Process, but to prescribe to your Lordships the manner of your Judgment, and to judge me before I am heard, I shall not give way to any of their unjust Demands, &c.

The Commons
discontented
at the imprisonment of
their Members.

The Commons upon the Imprisonment of their Members, and the offence taken by the King at the words spoken by those two Gentlemen in impeaching the Duke, resolved to proceed in no other business till they were righted in their Liberties, and ordered that the House be turned into a Grand Committee presently to sit and consider of the best way and means to effect the same, and that no Member be suffered to go forth. At which time Sir *Dudley Carlton* observing that unusual, and as he termed it, sullen silence of the House, made this Speech.

Sir *Dudley
Carlton's*
Speech.

"I Find by a great silence in this House, that it is a fit time to be heard. If you please to give me the patience. I may very fitly compare the heaviness of this House unto some of my misfortunes by Sea in my Travels: For as we were bound unto *Marseillis*, by oversight of the Mariners we mistook our Course, and by ill fortune met with a Sand; That was no sooner overpast, but we fell on another; and having escaped this likewise, we met with a third, and in that we stuck fast. All of the Passengers being much dismayed by this disaster, as now we are here in this House for the loss of those two Members: At last an old experienced Mariner upon consultation affirmed, That the speediest way to come out from the Sands, was to know how we came there; So well looking and beholding the Compass, he found

"by

"by going in upon such a point we were brought into that streight;
"wherefore we must take a new point to rectifie and bring us out of
"danger.

"This House of Parliament may be compared to the Ship; the
"Sands, to our Messages; and the Commitment, to the Sands that
"the Ship did stick fast in; and lastly the Compass, to the Table where
"the Book of Orders doth lie. Then I beseech you, let us look into the
A "Book where the Orders are, whether the Gentlemen did go no further
"then the Order did warrant them. If they did not, it is fit that we
"should defend them whom we imployed in our behests: But if they
"have exceeded their Commission, and delivered that which they had
"not warrant for, it is just that we let them suffer for this presumption;
"and this our Course will bring us from these Rocks.

"I beseech you Gentlemen, move not his Majesty with trenching
"upon his Prerogatives, lest you bring him out of love with Parliaments.

B "You have heard his Majesties often Messages to you, to put you for-
"ward in a Course that will be most convenient: In those Messages
"he told you, That if there were not Correspondencie between him
"and you, he should be inforced to use new Counsels. Now I pray you
"consider what these new Counsels are, and may be: I fear to declare
"those that I conceive. In all Christian Kingdoms you know that Par-
liaments were in use antiently, by which their Kingdoms were governed
C "in a most flourishing manner; until the Monarchs began to know their
"own strength, and seeing the turbulent spirit of their Parliaments, at
"length they by little and little began to stand upon their Prerogatives,
"and at last overthrew the Parliaments throughout Christendom, except
"here only with us.

"And indeed you would count it a great misery, if you knew the
"Subject in Foreign Countries as well as my self; to see them look not
"like our Nation, with store of flesh on their backs, but like so many
"Ghosts, and not men, being nothing but skin and bones, with some
D "thin cover to their nakedness, and wearing only wooden shoos on
"their feet; so that they cannot eat meat, or wear good clothes, but
"they must pay and be taxed unto the King for it. This is a misery be-
"yond expression, and that which yet we are free from: Let us be care-
"ful then to preserve the Kings good opinion of Parliaments, which
"bringeth this happiness to this Nation, and makes us envied of all
"others, while there is this sweetness between his Majesty and his Com-
mons; lest we lose repute of a Free-born Nation, by our turbulencie
E "in Parliament. For in my opinion, the greatest and wisest part of a
"Parliament are those that use the greatest silence, so as it be not opi-
"nionary, or sullen, as now we are by the loss of these our Members that
"are committed.

"This good Correspondencie being kept between the King and
"his people, will so join their love and favor to his Majesty with liking
"of Parliaments, that his Prerogative shall be preserved entire to him-
"self without our trenching upon it; and also the Priviledge of the Sub-
ject (which is our happiness) inviolated, and both be maintained to
F "the support of each other. And I told you, if you would hear me pati-
"ently, I would tell you what exception his Majesty doth take at those
"Gentlemen that are committed. You know that Eight Members were
"chosen to deliver the Charge against the Duke, but there were only
"Six imployed for that purpose; insomuch that there was no Exception.

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“ As for Sir *Dudley Diggs* his part, that was the Prologue, and in
 “ that his Majesty doth conceive that he went too far beyond his Com-
 “ mission, in pressing the death of his ever blessed Father in these words,
 “ That he was commanded by the House, concerning the Plaister applied
 “ to the King, *That he did forbear to speak further in regard of the Kings*
 “ *Honor*, or words to that effect; this his Majesty conceiveth to be to his
 “ dishonor, as if there had been any underhand dealing by his Majesty, in
 “ applying of the Plaister, and this may make his Subjects jealous of his
 “ doings: In this Point his Majesty is assured, that the House did not
 “ warrant him. Now for that which is excepted against Sir *John Elliot*,
 “ his over bitterness in the Aggravation upon the whole Charge, and
 “ specially upon some of the heads of it: For if you please to remember,
 “ when I moved for putting of the *St Peter of Newhaven* out of the
 “ Charge against the Duke of *Buckingham*, and shewed my reasons for
 “ that purpose, you know how tender Sir *John Elliot* was of it, as if he
 “ had been a child of his own, and so carefull in the handling thereof
 “ by a Stranger, that he would not suffer it to be touched, though with
 “ never so tender a hand, for fear it might prove a Changeling: which
 “ did manifest, how specious soever his pretences were, that he had *occulum*
 “ *in Cauda*: And I must confess, I was heartily sorry when he delivered
 “ his Aggravation to the Lords, to see his Tartness against the Duke;
 “ when as he had occasion to name him, he onely gave him this Title of
 “ *This man*, and *The man*; whereas the other observed more respect and
 “ modesty in their Charges against so great a Person as the Duke is,
 “ considering that then he was not convicted, but stood *rectus in Curia*.
 “ Lastly, for pressing the death of his late Majesty, you know that the
 “ Sense of the House concluded, That it is only an Act of Presumption;
 “ nay, some of them expressly said, *Nay God forbid that I should lay the death*
 “ *of the King to his Charge*. If he without warrant from the House in-
 “ sisted upon the Composition of the Plaister, as if there were *Aliquid*
 “ *latet quod non patet*; This was beyond his Commission from our House,
 “ and this is that which his Majesty doth except against; And this I
 “ say drew his Majesty, with other insolent Invectives, to use his Regal
 “ authority in committing them to the Tower.

Sir *Dudley Diggs* being charged for saying in the matter of applying
 the Plaister to his late Majesty, *That he did forbear to speak further of that*
in regard of the Kings honor, or words to that effect; There passed a
 Protestation of every man in particular for himself; and it was Ordered
 in the House, That they that were sick in the Town, should have three
 of the House sent to them to take this Protestation likewise.

The Commons
 Protestation
 touching
 words impu-
 red to Sir
Dudley Diggs.

I Protest before Almighty God and this House of Parliament, That
 I never gave consent that Sir *Dudley Diggs* should speak these
 words that he is now charged withall, or any words to that effect;
 And I have not affirmed to any that he did speak such words, or any
 to that effect.

Sir *D. Diggs*
 released out
 of prison, pro-
 tests he never
 spake the
 words char-
 ged on him.

Within few dayes after Sir *Dudley* being released out of Prison, came
 into the House, and made Protestation concerning the Passage whereat
 his Majesty had taken offence, That speaking of the Plaister applied to
 the Body of the late King, he said, *He would forbear to speak any further of*
it, in regard of the Kings honor, He protested, that this was far from his
 words,

words, and that it never came into his thoughts. And he gave the House great thanks for their respect unto him, and said, That he had received from his Majesty a gracious testimony of his satisfaction.

2 Caroli.

And the King himself signified to the House by the Vice-Chamberlain, That he understood out of some Notes which were taken at the Conference, that Sir *Dudley Diggs* had spoken the words wherewith he was charged, but now was satisfied that he did not speak them, nor any words to such effect: Nevertheless, the Duke affirmed to the House of Peers, that some words were spoken at this late Conference by Sir *Dudley Diggs*, which so far did trench upon the Kings Honor, that they are interpreted Treasonable; and that (had he not been restrained by order of the House) he would then have reprehended him for the same: He therefore earnestly desired, for that divers constructions have been made of those words, and for that they have been diversly reported, that every one of the said Reporters would be pleased to produce their Notes taken at the Conference.

The King is satisfied that the words were not spoken.

The Duke dissatisfied.

This matter was much debated, and the House of Peers often put into a Committee, and reassumed again, but they came to no resolution therein. In fine, these Lords following, (to the number of thirty six) made this voluntary Protestation upon their Honors; That the said Sir *Dudley Diggs* did not speak any thing at the said Conference, which did or might trench on the Kings Honor; and if he had, they would presently have reprehended him for it.

Thirty six Lords protest they heard not the words supposed to be spoken at a Conference.

The Lord President affirmed, That he had reported the words in the same sence they were delivered unto him by the party himself, and though the connexion of them require to be explained, yet he agreed with the rest of the Lords, for the Parties good meaning, and made the same Protestation.

The Lords who Protested were these; viz.

The Earl of Mulgrave.

Earl of Cleveland.

Earl of Westmerland.

Earl of Bullingbrook.

Earl of Clare.

Earl of Denbigh.

Earl of Cambridge.

Earl of Devon.

Earl of Warwick.

Earl of Northampton.

Earl of Bridgewater.

Earl of Montgomery.

Earl of Nottingham.

Earl of Lincoln.

Earl of Essex.

Earl of Hereford.

Earl of Kent.

Earl of Oxon.

Lord Grey of Warke.

Lord Noell.

Lord Montague.

Lord Russel.

Lord North.

Lord Cromwell.

Lord Vaux.

Lord Dudley.

Lord Morley.

Lord Piercy.

Lord Bishop of Sarum.

Lord Bishop of Landaffe.

Lord Bishop of Chester.

Lord Bishop of Cov. and Lich.

Lord Bishop of Worcester.

Lord Bishop of Norwich.

Lord Vicount Say and S.

Lord Vicount Rocheford.

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Sr John Elliot is released out of the Tower.

Is charged by Sir Dudley Carlton for his Speech against the Duke.

He dischargeth himself.

Not long after Sir *John Elliot* also was released out of the Tower, and sent for to come into the House. Then the Vice-Chamberlain stood up, and by way of Explanation of his former Speech, said,

“ That he intended not to charge him, but to give him an occasion to discharge himself. First, That all the others had used respective words in the Conference; but for the manner of his Speech, he conceived it was too tart and harsh to the person of the Duke; and that in representing a Character of his minde, by comparing him with a strange beast, he had out-gone his Commission. Secondly, That contrary to the sense of the House, as if they were ignorant of the return of the ships out of *France*, he said, *They say they are come, but I know it not*; when the House knew it full well. That speaking of the Duke, he said, *That man*, which phrase in all Languages is accounted a great indignity to persons of Honor: That he made scandalous comparisons between the Duke and *Sejanus*, and the Bishop of *Ely*, which was likewise besides his Charge; That he brake off ambiguously and abruptly with a Sentence of *Cicero*, as if something else might be which was not yet discovered.

Sir *John Elliot* thanked the Vice-Chamberlain for dealing so plainly with him, and giving him occasion to clear himself: And to the particular charged against him, he answered,

“ First, considering the Dukes plurality of great and different Offices, together with his deceit and fraud, in perswading the Merchants to go to *Diep*, there to entrap them; in colouring the Designs to the King, which he had plotted to serve against those of his Religion; in abusing the Parliament at *Oxford*, and disguising his purpose, as if the ships were to go to *Rochel*. These particulars being so various, and of such a nature, he called by the name of *Stellionatus*, from a beast discoloured, uncertain, and doubtfull, that they knew not by what name to call it, or by what colour to describe it; and these he called a Character of the minde, because they lie in the heart, and were deceits to abuse the King and Parliament.

“ Secondly, as to his saying, *He knew not the ships were come*; he answered, he did not know it then, and as yet he knew it not, though it was true that he had heard it.

“ Thirdly, he denied not, that speaking of the Duke, he sometimes used this word, *that man*, though at other times he was not wanting to give him his due titles; and said, That the Latines, speaking of *Cæsar*, call him *Ille Cæsar*, and that the same is usual in all Languages; nor did he think the Duke to be a God.

“ Fourthly he confessed, That he paralleled him with the Bishop of *Ely* and *Sejanus*; and though there were many particular censures of that Bishop, yet he produced none but such as were within the compass of his Charge; nor did he apply the Veneries and Venefices of *Sejanus* to the Duke, but excluded them.

“ Lastly, touching the Physick of the King, he said, he brake off so abruptly in aggravation of the Dukes offence, who not content with the injury of Justice, the wrong of Honor, the prejudice of the State, nor that of the Revenue, his attempts go higher, even to the person of the King, making on that his practice in such a manner, to such

“such an effect, that he said, he feared to speak, nay, he doubted to think; in which regard he lett it, as *Cicero* did another thing, *Negravio-ribus, &c.*

2 *Caroli.*

A It was then resolved on the Question, That Sir *John Elliot* hath not exceeded the Commission given him in any thing that passed from him, in the late Conference with the Lords: The like for Sir *Dudley Diggs*, both passed without a Negative; the like Vote did pass for Mr *Selden*, Mr *Herbert*, Mr *Glanvile*, Mr *Sherland*, Mr *Pym*, and Mr *Wandesford*, who were also managers at that Conference.

B The King in the time of this Parliament had committed the Earl of *Arundel* to the Tower, but the cause of his Commitment was not expressed; yet it was conceived to be about the Marriage of the Lord *Maltravers*, the Earls eldest son, to the young Duke of *Lenox* his sister, which was brought about by the contrivance of the Countess of *Arundel* and the old Dutches of *Lenox*. The Lords were highly discontented at his commitment in time of Parliament; concerning whose Liberties and their own Priviledges, they had presented several Petitions to his Majesty, but receiving no satisfactory answer thereto, agreed on this ensuing Petition occasioned by the release of Sir *Dudley Diggs*.

May it please your Majesty,

C **T**he cause that moves us now to attend your Majesty, (as at first we did) is because we observe that the House of Commons have speedily received a Member of theirs who was committed: We the Peers, ambitious to deserve of your Majesty, and to appear to the eye of the world as much respected in our Rights and Priviledges, as any Peers or Commons have ever been, acknowledging you a King of as much goodness as ever King was; do now humbly beseech that the Earl of *Arundel*, a Member of our House, may be restored to us; it so much concerning us in point of Priviledge, that we all suffer in what he suffers in this Restraint.

The Lords Petition to the King about the Earl of *Arundel*, imprisoned in the time of Parliament.

D In *March* last when the Earl of *Arundel* was committed, the House of Lords purposed to take the same into their considerations, and so to proceed therein, as to give no just cause of offence to his Majesty, and yet preserve the Priviledges of Parliament.

E The Lord Keeper of the Great-Seal thereupon signified unto the House, that he was commanded to deliver this Message from his Majesty unto their Lordships; viz.

“That the Earl of *Arundel* was restrained for a misdemeanor which was personal to his Majesty, and lay in the proper knowledge of his Majesty, and had no relation to matters of Parliament.

F Whereupon the House was put into a Committee; and being resumed,

The Lords Committees for Priviledges, &c. were appointed to search for Presidents Concerning the commitment of a Peer of this Realm during the time of Parliament; and the Lord Chief Justice, Mr Justice *Doderidge*, and Mr Justice *Yelverton*, were appointed to attend their Lordships in that behalf.

The

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The day following the Lord Teasurer delivered another Message from the King *in hæc verba*.

The Kings
Message to
the Lords
touching the
Earl of Arun-
del.

“ **W** Hereas upon a Motion made by one of your Lordships, the Lord Keeper did yesterday deliver a Message from his Majesty, that the Earl of *Arundel* was restrained for a mis-
“ demeanor which was personal to Majesty, and lay in the proper
“ knowledge of his Majesty, and had no relation to matters of Parlia-
“ ment : His Majesty hath now commanded him to signifie to your
“ Lordships, that he doth avow the Message in fort as it was delivered,
“ to have been done punctually according to his Majesties own Directi-
“ on, and he knoweth that he hath therein done justly, and not dimi-
“ nished the Priviledges of that House.

And because the Committee appointed yesterday to search for Presi-
dents, &c. had not yet made any Report to the House ; therefore the
directions for this business were suspended for that time.

Not long after the Earl of *Hertford* made report to the House, That
the Lords Committees for Priviledges met on Monday last ; The first
Question that arose amongst them was, Whether those Proxies were of
any validity which are deputed to any Peer, who sitteth not himself in
Parliament ? And it was conceived that those Votes were lost : Whereup-
on the Committee found this House to be deprived of five suffrages by
the absence of the Earl of *Arundel*, unto whom they were intrusted :
And the Committee finding by the Journal Book, that the Sub-Com-
mittee which was appointed to search Presidents for Priviledges con-
cerning the Commitment of a Peer in the time of Parliament, had not
yet made report to the House : and then considering together their
Notes of Presidents whereof they had made search, found, That no
one Peer had been committed, the Parliament sitting, without trial of
Judgement of the Peers in Parliament ; and that one only President of
the Bishop of *Winchester* in the Book-Case, in the Third year of *Edw. 3.*
which was here urged, cannot be proved to be in Parliament time ;
and this the Lords of the Grand-Committee thought fit to offer to
the consideration of the House.

The Lords
resolved to
maintain their
priviledges.

Hereupon the House was moved to give power to the Lords Sub-
Committees for Priviledges, &c. to proceed in the search of Presi-
dents of the Commitment of a Peer of this Realm during the time of
Parliament ; and that the Kings Council might shew them such Presidents
as they have of the said Commitment ; And that the said Sub-Commit-
tee may make the Report unto the House at the next access.

All which was granted and agreed unto, and these Lords were called
unto the said Sub-Committee ; viz.

The Lord Treasurer.
Lord President.
Duke of Buckingham.
Earl of Dorset.
Earl of Devon.

The Earl of Clare.
The Vicount Wallingford.
Vicount Mansfield.
Lord North.

And the Kings Council were appointed to attend the Lords.

The Lord President reported the Proceedings of the said Sub-Committees for Priviledges, &c. upon Commitment of the Earl of Arundel; viz.

“That the Kings Council had searched and acquainted the Lords Sub-Committees with all that they had found in Records, Chronicles, and Stories, concerning this matter: Unto which the said Lords Sub-Committees had given full Answer, and also shewed such Presidents as did maintain their own Rights.

The Presidents being read, (which for the length we forbear to mention) It was resolved upon the Question by the whole House, *Nemine dissentiente*,

“That the Priviledge of this House is, That no Lord of Parliament, the Parliament sitting, or within the usual times of Priviledges of Parliament, is to be imprisoned or restrained without Sentence or Decree of the House, unless it be for Treason or Felony, or refusing to give Surety of the Peace.

And it was thereupon ordered, That the said Lords Sub-Committees for Priviledges, &c. or any five of them, shall meet this afternoon to consider of a Remonstrance and Petition of the Peers concerning the Claim of their Priviledges from Arrests and Imprisonments during the Parliament. Which was conceived by the Lords Sub-Committees for Priviledges, according to the Order of the House, and was read openly, viz.

May it please your Majesty,

WE the Peers of this your Realm assembled in Parliament finding the Earl of Arundel absent from his place, that sometimes in this Parliament late amongst us, his presence was therefore called for: But thereupon a Message was delivered unto us from your Majesty by the Lord Keeper, That the Earl of Arundel was restrained for a misdemeanour which was personal to your Majesty, and had no relation to matters of Parliament. This Message occasioned us to enquire into the Acts of our Ancestors, and what in like cases they had done, that so we might not erre in any dutiful respect to your Majesty, and yet preserve our right and priviledge of Parliament. And after diligent search both of all Stories, Statutes and Records that might inform us in this case, We find it to be an undoubted right and constant priviledge of Parliament, That no Lord of Parliament, the Parliament sitting, or within the usual times of Priviledge of Parliament, is to be imprisoned or restrained, without Sentence or Order of the House, unless it be for Treason or Felony, or for refusing to give Surety for the Peace. And to satisfie our selves the better, we have heard all that could be alleaged by your Majesties Council learned at the Law, that might any way weaken or infringe this claim of the Peers; And to all that can be shewed or alleaged, so full satisfaction hath been given, as that all the Peers of Parliament upon the Question made of this Priviledge, have *una voce* consented, That this is the undoubted Right of the Peers, and hath inviolably been enjoyed by them.

A Remonstrance and Petition of the Peers in behalf of the Earl of Arundel.

Wherefore we your Majesties Loyal Subjects and humble Servants, the whole body of the Peers now in Parliament assembled,

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most humbly beseech your Majesty, that the Earl of Arundel, a Member of this Body, may presently be admitted with your gracious favor to come, sit, and serve your Majesty and the Commonwealth in the great Affairs of this Parliament. And we shall pray, &c.

This Remonstrance and Petition to his Majesty was approved by the whole House, who agreed that it should be presented by the whole House to his Majesty; and it was further agreed, That the Lord President, the Lord Steward, the Earl of Cambridge, and the Lord Great-Chamberlain should presently go to the King to know his Majesties pleasure when they shall attend him.

These Lords returning, the Lord President reported, that his Majesty had appointed that day, between two and three of the clock, for the whole House to attend him with the said Remonstrance and Petition in the Chamber of Presence at *Whitehall*.

And it was agreed, That the Lord Keeper should then read the same to the King, and present it unto his Majesty.

The Twentieth of *April*, the Lord President reported the Kings Answer unto the Remonstrance and Petition of the Lords, to this effect:

The Kings first Answer to the Remonstrance and Petition.

“That their Lordships having spent some time about this business, and it being of some consequence, his Majesty should be thought rash if he should give a sudden Answer thereto; and therefore will advise of it, and give them a full Answer in convenient time.

The 21. of *April* 1626. It was ordered, That the House should be called on Monday next, being the 24. of *April*.

The King promiseth to answer the said Remonstrance

Which was done accordingly: And the Earl of *Arundel* being called, the Lord Keeper signified unto the House, That his Majesty had taken into consideration the Petition exhibited by their Lordships the 19. of *April* concerning the Earl of *Arundel*, and will return an Answer thereunto with all expedition.

The Lords are urgent for an Answer.

The 2. of *May* it was ordered, That the Lord Keeper should move his Majesty from the House for a speedy and gracious Answer unto the Petition on the Earl of *Arundels* behalf.

The King returns another Answer to the Lords touching the Remonstrance.

The 4. of *May* 1626. the Lord Keeper signified unto their Lordships, That according to the Order of the 2. of *May*, he had moved his Majesty from the House on the behalf of the Earl of *Arundel*: Who answered,

“It is a Cause wherein he hath had a great deal of care, and is willing to give their Lordships satisfaction, and hath it in his consideration how to do it, and hath been interrupted by other business, wherein Mr. Attorney hath had occasion of much conference with him, (as their Lordships are acquainted:) But will with all conveniencie give their Lordships satisfaction, and return them an Answer.

The 9. of *May* 1626. the House being moved to petition the King touching the Earl of *Arundel*, certain Lords were appointed to set down the form of the said Petition; who reported the same in writing as followeth, viz.

May

May it please your Majesty,

A Whereas the whole body of the Peers now assembled in Parliament, did the 19 Day of April exhibit to your Majesty an humble Remonstrance and Petition concerning the Privilege of Peers in Parliament, and in particular touching the Earl of Arundel, whereupon we received a gracious Answer, That in convenient time we should receive a fuller Answer, which we have long and dutifully attended: And now at this time so great a business being in handling in the House, we are pressed by that business to be humble suitors to your Majesty for a gracious and present Answer.

Another Petition to the King touching the Earl of Arundel.

B Which being read, was approved of by the House, and the said Committee appointed to present the same unto his Majesty from the House, at such time as the Lord Chamberlain shall signify unto them, that his Majesty is pleased to admit them to his presence.

The 11 of May the Lord President reported the Kings Answer to the said Petition,

C "That he did little look for such a Message from the House; That himself had been of the House, and did never know such a Message from the one House unto the other: Therefore when he received a Message fit to come from them to their Sovereign, they shall receive an Answer.

The King takes exception at the Petition.

D The Lord President further Reported, That the Lords Committees appointed to deliver the Petition to the King, did thereupon withdraw, and required him humbly to desire his Majesty to be pleased to let them know, unto what point of the said Petition he takes this Exception; and that his Majesty willed him to say this of himself; viz.

The Lords desire to know of his Majesty, to what part of the Petition he takes exception.

"The Exception the King taketh, is at the peremptoriness of the Term, *To have a Present Answer*; And the King wonders at their impatience, since he hath promised them an answer in convenient time.

E Hereupon the House altered their former Petition, leaving out the word *Present*, and appointed the former Committee humbly to deliver the same to his Majesty.

The Petition presented again, and the word (*present*) left out.

The 13 of May the Lord President reported the Kings Answer to the Petition; viz.

F "It is true, the word (*Present*) was somewhat strange to his Majesty, because they did not use it from one House to another; but now, that his Majesty knows their meaning, they shall know this from him, that they shall have his Answer so soon as conveniently he can; And this his Majesty will assure them, it shall be such an Answer, as they shall see will not trench upon the Privileges of the House.

The Kings answer to the Petition to ordered.

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The Lords having agreed on another Petition to the King, wherein they acknowledged him to be a Prince of as much goodness as ever King was.

The 19 of *May* the Lord Chamberlain signified to their Lordships, That his Majesty being acquainted therewith, is pleased that this House attend him at two of the Clock this day in the Afternoon at *Whitehall*.

On which day the Lords delivered the Petition to his Majesty; who upon the 20 *May* returned this Answer.

My Lords,

The Kings
Answer to
the Petition.

" I See that in your Petition you acknowledge me a King of as much goodness as ever King was; for which I thank you, and I will endeavor, by the Grace of God, never to deserve other: But in this I observe that you contradict your selves; for if you believe me to be such, as you say I am, you have no reason to mistrust the sincerity of my Promises: For, whereas upon often Petitions made by you unto me concerning this business, I have promised to give you a full Answer with all convenient speed; by this again importuning of me you seem to mistrust my former promises: But it may be said there is an Emergent cause, for that I have delivered a Member of the Lower-House;

" In this, My Lords, by your favour you are mistaken, for the Causes do no way agree; for that he that was committed of the House of Commons was committed for words spoken before both Houses, which being such as I had just cause to commit him; yet because I found they might be words onely misplaced, and not ill meant, and were so conceived by many honest men, I was content upon his interpretation to release him, without any suit from the Lower-House; whereas my Lord of *Arundel's* fault was directly against my self, having no relation to the Parliament; yet because I see you are so impatient, I will make you a fuller Answer then yet I have done, not doubting but that you will rest contented therewith.

" It is true, I committed him for a cause which most of you know, and though it had been no more, I had reason to do it; yet, my Lords, I assure you, that I have things of far greater importance to lay to his charge, which you must excuse me for, not to tell you at this time, because it is not yet ripe, and it would much prejudice my service to do it; and this, by the word of a King, I do not speak out of a desire to delay you, but as soon as it is possible, you shall know the cause, which is such as I know you will not judge to be any breach of your Priviledges: For, my Lords, by this I do not mean to shew the power of a King, by diminishing your Priviledges.

This Answer being read, it was ordered, That the Committee for Priviledges should meet, and consider how farther to proceed with dutifull respect to his Majesty; and yet so, as it may be for the preservation of the Priviledges of the Peers of this Land, and the Liberties of the House of Parliament.

The 24 of *May* the Lord President reported the Petition agreed on by the Lords Committees for Priviledges &c. to be presented to the King, which was *in hac verba*.

Another Petition of the Lords touch-
ing the Earl of
Arundel.

May

May it please your most Excellent Majesty,

Whatever our care and desire is to preserve our right of Peers, yet it is far from our thoughts either to distrust, or to press any thing that stands not with the affection and duty of most dutiful and loyal Subjects: And therefore in all humility we cast our selves before your Majesty, assuring our selves in the word of a King, that with all convenientie possible your Majesty will please either to restore the Peer to his place in Parliament, or express such a cause as may not infringe our Priviledges.

The Petition was generally approved, and ordered to be presented to his Majesty by the whole House; and the Earl of *Carlisle* and the Lord *Carlton* to go presently to know the Kings pleasure when they shall attend his Majesty. Who being returned, reported, That his Majesty hath appointed that Afternoon at two of the clock for the same.

The 25. of *May*, the Lord Keeper delivered the Kings Answer unto the said Petition, to be read *in hac verba*, viz.

My Lords,

Your often coming to me about this matter, made me somewhat doubt you did mistrust me: But now I see you rely wholly on me, I assure you it shall prevail more upon me then all importunities; And if you had done this at first, I should have given you content. And now I assure you I will use all possible speed to give satisfaction, and at the furthest before the end of this Session of Parliament.

The Kings Answer to this Petition.

This being read, the House was moved the second time, That all businesses might be laid aside, and that Consideration might be had how their Priviledges may be preserved unto posterity. And the House was put into a Committee for the freer Debate thereof, and afterwards resumed: And it was ordered, That the House be adjourned till to morrow, and all businesses to cease.

The Lords adjourn in disgust till the morrow.

The 26. of *May*, the Lord Keeper delivered this Message from the King to the House of Lords, viz.

That his Majesty hath willed him to signifie unto their Lordships, That he doth marvel his meaning in his last Answer should be mistaken: And for the better clearing of his intention, hath commanded him to signifie unto their Lordships his further Answer, which is, That their Lordships last Petition was so acceptable to his Majesty, that his intent was then, and is still, to satisfy their Lordships fully in what they then desired.

His Majesties Message to the Lords.

Whereupon it was ordered, That all businesses be adjourned till that day sevensnight,

Upon this Message the Lords adjourn for a sevensnight.

At the same time the Duke of *Buckingham* signified unto their Lordships his desire to have the Kings Council allowed him to plead his cause: But the Lords would not hear him, because they would entertain no business: And so the House was adjourned to the second of *June*. At which time the House sitting again, the Lord Keeper delivered this Message from the King to the House of Lords, viz.

“His

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Another Message to the Lords from his Majesty concerning the Earl of Arundel.

“His Majesty hath commanded me to deliver unto your Lordships
 “a Message touching the Earl of *Arundel*; That his Majesty hath
 “thought of that business, and hath advised of his great and pressing
 “affairs, which are such as make him unwilling to enter into dispute of
 “things doubtful: And therefore to give you clear satisfaction touching
 “that Cause, whereby you may more cheerfully proceed in the business
 “of the House, he hath endeavored as much as may be to ripen it, but
 “cannot yet effect it; but is resolved that at the furthest by Wednesday
 “sevensnight, being the fourteenth of *June*, he will either declare the
 “Cause, or admit him to the House. And addeth further upon the word
 “of a King, That if it shall be sooner ripe, which he hath good cause
 “to expect, he will declare it at the soonest. And further, That if the
 “occasion doth enforce to stay to the time prefixed, yet he doth not
 “purpose to set such a short end to the Parliament, but that there shall
 “be an ample and good space between that, and the end of the Sessions,
 “to dispatch affairs.

The Lords adjourn again.

This Message being delivered, the House was adjourned *ad libitum*, and put into a Committee; And being resumed, it was agreed, That all businesses should cease, but this of the Earl of *Arundel's* concerning the Priviledges of the House; and the House to meet thereon to morrow morning, and to be put into a Committee to consider thereof. And so the House was adjourned to the next day,

Then the Lord Keeper delivered this Message from the King,
Viz.

Another Message from the King to the Lords concerning the Earl of Arundel.

“That in the matter concerning the Earl of *Arundel*, his Majesty
 “hath been very careful and desirous to avoid all jealousie of violating the Priviledges of this House; that he continueth still of the
 “same mind, and doth much desire to find out some Expedient which
 “might satisfy their Lordships in point of Privilege, and yet not
 “hinder his Majesties service in that particular. But because this will
 “require some time, his Majesty, though his great affairs are urgent
 “and pressing, is unwilling to urge their Lordships to go on therewith,
 “till his Majesty hath thought on the other: And therefore hath commanded him to signify his pleasure, That his Majesty is contented
 “their Lordships adjourn the House till Thursday next; and in the
 “mean time his Majesty will take this particular business into further
 “consideration.

Hereupon the Lords agreed, That the Lord Keeper do render unto his Majesty from the House their humble thanks for his gracious respect unto their Priviledges.

Then the Lord Keeper demanded of the Lords, whether their Lordships would adjourn the House till Thursday next? Whereupon it was agreed by the Lords, and the House was so adjourned.

On Thursday *June 8.* the Lord Keeper delivered this Message to the Lords from his Majesty, *viz.*

“That

2 Caroli.

Another Message to the Lords from his Majesty.

The Earl of Arundel released comes to the House.

The Duke chosen Chancellor of Cambridge during his Impeachment.

A " That on Saturday last his Majesty sent word to the House, That
" by this day he would send them such an Answer concerning the
" Earl of *Arundel*, as should satisfy them in point of Priviledge. And
" therefore to take away all dispute, and that their Priviledges may be
" in the same estate as they were when the Parliament began, his Majesty
" hath taken off the restraint of the said Earl, whereby he hath liberty
" to come to the House.

The Earl of *Arundel* being returned to the House, did render his humble thanks unto his Majesty for this gracious favor towards him; and gave their Lordships also most hearty thanks for their often intercessions for him unto the King, and protested his Loyalty and faithful service unto his Majesty.

B Much about this time, Mr. *Moor* a Member of the House of Commons, having spoken some words which seemed to reflect upon his Majesty, they were reported to the House, viz. That he said, *We were born free, and must continue free, if the King will keep his Kingdom:* Adding these words, *Thanks be to God, we have no occasion to fear, having a just and pious King.* The House for these words committed Mr. *Moor* to the Tower of *London*; And his Majesty shortly after sent a Message, That he had passed by his offence. Whereupon he was released.

C While the Duke stood charged in the Parliament, the Chancellorship of *Cambridge* became void by the death of the Lord *Howard* Earl of *Suffolk*, who died on *Whitsunday* the 28. of *May* 1626. The University having understood by several hands, That it was the Kings express will and pleasure that the Duke should be chosen in his stead, were ambitious and forward to express their obedience to his Majesty in that behalf; well knowing, that in regard of their multitude, and worthy Judgment and wisdom, that is esteemed and ought to be in those Electors, this was one of the most honorable Testimonies of Worth and Integrity that the Nation can afford: And that whereas all other the Dukes Honors did but help the rather to sink him with their weight, this would seem to shoar and prop him up.

D Letters were pretended to be sent from his Majesty, to the intent to discourage all opposers: But though the pretence of Letters served mainly to effect their ends, yet the producing of them would have prejudiced the chief intendment of the Election, namely the honor of the Testimony in it; which chiefly lying in the freedom of the Votes, had by Letters been cut off. Many Heads of Houses bestir'd themselves according to their several power and interest in their respective Societies; and *Trinity-Colledge* alone (the Master whereof was Doctor *Maw*, one of the Kings Chaplains) supplied the Duke with Forty three Votes, the third part of those which served the turn, for he had in all One hundred and eight.

E He was chosen the Thursday following the death of his Predecessor, namely the fourth day after the Vacancie, notwithstanding fourteen days are allowed by the University-Statute. His chief strength consisted in the Doctors (whereof seventeen were for him, and onely one against him) and in the Non Regents, who are Masters of Art of five years standing and upward: Among the Regents (who are Masters under five years) thirty more were against him than for him, and four whole Colledges were

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were entire against the Duke. For notwithstanding all the industry that could be employed on his behalf, there was a Party so diligent and resolute, that the same morning the Choice was made, they jointly pitch'd upon the Lord *Thomas Howard*, second Son to the late deceased Chancellor, and Earl of *Berkshire*; though they had no Head appearing for him, nor one man in the University that was known to have any reference to him, excepting one Mr. *Granado Chester*, who was either his Chaplain or otherwise interess'd in him: And notwithstanding all disadvantages, they lost it for the said Earl but by five Voices; for the Duke had but One hundred and eight, and the Earl had One hundred and three, besides that two of the Dukes were void by Statute, as being given to the Vice-Chancellor by compromise, to dispose of as he should think fit.

The Earl of *Berkshire* being afterwards acquainted with the intentions of the University towards him, wrote this Letter to Mr. *Chester*, a Divine related to his Lordship.

Mr. *CHESTER*,

The Earl of *Berkshire's* Letter to Mr. *Chester* touching Votes conferred upon him in the Choice of the Chancellor of Cambridge.

THe infinite obligation which I owe to the University of Cambridge for the late most ample Testimony of their great love and affection towards me, emboldens me to borrow your help to make known unto them my unsained thankfulness: Wherein I confess that the love and favor which they have expressed unto me, joined with the fashion of it, doth far exceed the weak expression of so feeble a Stile as mine is. For they have been pleased out of their abundant affection, to name me to one of the greatest Honors of this Kingdom, without any suit or means of mine, which was the Chancellorship of the University: The Voting whereof in this noble fashion, I account as much as could befall me; and do receive it with as much thankfulness, as if I were in full possession of the Place.

I must therefore intreat you to disperse this my thankful Acknowledgment to all my worthy Friends there, who have so freely bestowed their Voices, and unsought for Favors upon me. And this labor I do the rather lay upon you, because you know I put you to no making means for me; which I should undoubtedly have done, if I had preconceived any intention of standing for this Dignity, so often wedded by men of high Places and Noble Families of this Realm; whereof my honored Father deceased enjoyed the last Testimony, and my Uncle before him; and not ceasing there, it was expressed unto me by an hereditary affection. Thus much I pray you make known for me, with this further assurance, That as I had my first Breeding, to my great Honor, in Cambridge, so I will live and die

The true Servant of the University,

S. James, 2 Junii 1626.

Berkshire.

The Commons being informed of the aforesaid Proceedings in Cambridge, directed a Letter to be written to that University to signify the Houses dislike thereof. Whereupon the King signifieth to the House his pleasure by Sir *Richard Weston*, that they forbear to send any such Letter, for that the Election had been made by the power of the Charters according to the Rules and Liberties of the University; and that if there have been any Error in the form of the Election, it belongeth unto his Majesty to examine and reform it, and not unto the House. To which Message the Commons return this Answer.

“ That

2 Caroli.
The Commons Answer.

A **T**HAT they do acknowledge they were about to Write to the University, because that the very Election it self, whereby the University is committed to the Government of one that is charged, and publickly complained of by the Commons in Parliament, whereof the Electors are a part, is in it self a very great Grievance, and pre-judicial in example; whereof they have Reason to be the more sensible, because they are informed, that in the manner of the Election there were many passages likewise done in contempt of the House: And do humbly beseech his Majesty to believe, That neither in this, nor any other thing, this House did or shall intend to enlarge their own Power and Jurisdiction, to the Diminution of his Majesties Right or Prerogative.

Whereunto his Majesty replied by the said Sir *Richard Weston*.

B **H**is Majesty saith, That *Cambridge* and all Corporations derive their right and priviledge from him; and that he hath reason to esteem the Universities above any other, and is resolved to defend them against any, which either wilfully, or by chance, shall go about to infringe their Liberties. Concerning the Election it self, his Majesty is far from conceiving it a Grievance; for he never heard that Crimes objected, were to be taken as proved; or, that a man should lose his Fame or good Opinion in the World, upon an Accusation onely.

His Majesties Reply.

C **B**ut whereas you say in the manner of carriage of the Election, there were many passages done in it to the contempt of the House. His Majesty is well pleased, that you enquire and punish the Offenders, if there be any that have mis-behaved themselves in that respect. But for the Election it self, or the Form of it, his Majesty doth avow his first Message.

D The Duke returned this Acknowledgment to the University.

E **M**After Vice-Chancellor, and Gentlemen of the University of Cambridge, There is no one thing that concerneth me more near, then the good opinion of Good and Learned honest Men: Amongst which number, as you have ever held the first rank in the estimation of the Commonwealth, and fame of the Christian World; so in conferring this honor of Chancellorship upon me, I must confess you have satisfied a great ambition of mine, which I hope will never forsake me; and that is, To be thought well of by men that deserve well, and men of your Profession. Yet I cannot attribute this Honor to any desert in me, but to the respect you bear to the Sacred memory of my Master deceased, the King of Schollars, who loved you, and honored you often with his presence, and to my Gracious Master now living; who inherits with his Blessed Fathers Vertues, the affection he bore to your University.

The Dukes Letter of Acknowledgment to the University of Cambridge.

F I beseech you, as you have now made your choice with so many kinde and noble Circumstances, as the Manner is to me as acceptable and grateful as the Matter; so to assure your selves, That you have cast your Votes upon your Servant, who is as apprehensive of the time you have shewed your affection in, as of the Honor you have given him.

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And I earnestly request you all, that you would be pleased, not to judge me comparatively by the success and happiness you have had in your former choice of Chancellors; who as they knew better perhaps by advantage of education in your University, how to value the deserts of men of your qualities and degrees, so could they not be more willing to cherish you then my self, who will make amends for my want of Schollarship, in my love to the Professors of it, and to the source from whence it cometh; having now most just cause more cheifly to employ my utmost endeavors, with what favor I enjoy from a Royal Master, to the maintaining of the Charters, Priviledges, and Immunities of your University in general, and to the advancing of the particular merits of the Students therein.

And since I am so far engaged to you, I will presume upon a further courtesie, which is, That you will be pleased to supply me with your advice, and suggest a way unto me (as my self likewise shall not fail to think on some means) how we may make Posterity remember you had a thankful Chancellor, and that both really loved you, and your University: Which is a resolution writ in an honest heart, by him that wanteth much to expresse his Affection to you, who will ever be

Your faithful Friend
and humble Servant

George Buckingham.

Also the King was pleased to write to the University of Cambridge, in approbation of the said Election.

Trusty and Well-beloved, We greet you well.

WHereas upon Our pleasure, intimated unto you by the Bishop of Durham, for the choice of your Chancellor, you have with much duty, as We expected, highly satisfied Us in your Election; We cannot in Our Princely Nature (who are much possessed with this Testimony of your ready, and Loyal Affections) but for ever let you know, how much you are therein made partakers of Our Royal Approbation. And as We shall ever conceive, that an Honor done to a Person We favor, is out of a Loyal respect had unto Our Self: And as We shall ever justifie Buckingham worthy of this your Election, so shall you finde the fruits of it. For We that have found him a faithful Servant to Our dear Father of Blessed memory, and Our Self, cannot but undertake that he will prove such a one to you; and will assist him with a Gracious Willingness in any thing that may concern the good of the University in general, or the particular Merits of any Students there.

Given under Our Signet at Our Pallace of Westminster, the Sixth of June, in the Second year of Our Raign.

June 8. Before the Duke gave in his Answer on that day unto the House of Peers, to the Impeachment of the House of Commons, he made this ensuing Speech.

My

The Kings
Letter to the
said University.

My Lords,

The Duke of
Buckingham's
Speech to the
Lords House,
before he gave
in his Answer.

A " I N a case of pressure considered by it self, I have a fair beginning,
" it is a due debt to your Lordships for this Honorable Favor in leaving
" it to my choice, whether I would answer to the particulars in the
" Aggravation, or not. I may without lessening my Obligation say, The
" favor is greater at first, it may be yours, or your Posterities hereafter.
" I have in a manner tied my self to my charge, hoping if I give your
" Lordships satisfaction in that, the Aggravations will fall of themselves. I
" could not well have followed the Aggravations, being composed of
" words, which I hope my actions have not deserved; and I am sure my
" ears have not been made acquainted with, without some distraction of
" spirit; yet I have left nothing of them unanswered that is material. I
B " have used as much speed to come to an answer, as conveniently I could,
" without prejudice of my cause, having my Reputation too long upon
" the stage; and had your Lordships called for it sooner, I had been as
" ready as now I was desirous, to detain your Lordships as little as may be
" (with the expectation of my particular) from weightier business.

C " I was also grieved that my business should be a cause of the loss of
" this year from foreign attempts, and the hindrance of those resolutions
" that would have comforted our Friends abroad, and secured our selves at
" home: But in this, my Lords, I am sure you will easily acquit me in
" your thoughts. When I look upon my Charge in general (as they did)
" without searching into the integrity of mine own heart and actions,
" which are yet unknown to most of them, I wonder not so much at
" their proceedings, the particulars not being voted against me, nor
" unanimously; but had they taken the means to have been better and
" trulier informed of the particulars, or have given me cause to have in-
" formed them, I assure my self they had not troubled your Lordships
D " with this Charge: But I confess there hath been that contestation in
" the House of Commons concerning my Justification, that I cannot
" but acknowledge much favor there from many. And if the actions of
" some others in that House, do not conclude me of a worse disposition
" then I shall hereafter be found, there is none but may say with me, *I am*
" *at peace with all.*

E " I shall onely for the present, apply my self to the clearing of my
" Reputation, and for the future, of those actions and endeavors which
" may repossess me of that I have counted one of my greatest losses, their
" good opinions. I would not speak nor profess this before your Lord-
" ships, if Reason and my own disposition did not warrant the performance
" of it.

" For first, Who accused me? Common Fame. Who gave me
" up to your Lordships? The House of Commons.

F " The one is too subtile a Body, if a Body; the other too great
" for me to contest with; and I am confident, when my cause shall be
" tried, neither the one, or the other, or part of either, will be found to
" be my enemy.

" But as Fame is subtile, so it is often and especially in accusations
" false; therefore the House of Commons have not wronged me: Yet
" I am confident it will at length be found, that Common Fame hath a-
" bused both them and me.

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“ I presume the House of Commons have proceeded against me out
 “ of an hearty and zealous affection, to do their King and Country ser-
 “ vice, I hope out of Christian Charity to punish and amend my faults
 “ (if fame could have proved them) and not to envy my Reputation, or
 “ destroy my Fortune. I shall never call such proceedings wrong, if seek-
 “ ing to cure my errors, give me opportunity to clear and publish my in-
 “ nocency: For the State it self, I have little to say, it is but a little, I
 “ will not abuse your Lordships patience. I was born and bred in it, I
 “ owe it my self; I have been raised to Honors and Fortunes in it (I freely
 “ confess) beyond my Merits; what I wanted in sufficiency and expe-
 “ rience for the service of it, I have endeavored to supply by care and in-
 “ dustry.

“ And could there be the least alienation hereafter in my heart from
 “ the service of the State, for any thing that hath past, I should be the
 “ ungratefulest man living; should but such a thought stain my heart, I
 “ should be content it were let blood. If my Posterity should not in-
 “ herit the same fidelity, I should desire an inversion in the course of Na-
 “ ture, and be glad to see them earthed before me. My Answer to the
 “ severall points in Charge, I shall crave leave to deliver in brief, and in
 “ form of Law, but as naked as truth loves to be; and so I leave my self
 “ and my cause to your Lordships Justice.

*The humble Answer and Plea of George Duke of
 Buckingham, to the Declaration and Impeach-
 ment made against him, before your Lordships,
 by the Commons House of Parliament.*

His Answer
 and Plea to
 the Impeach-
 ment of the
 House of Com-
 mons.

THe said Duke of *Buckingham* being accused and sought to be im-
 peached before your Lordships, of the many Misdemeanors, Mis-
 prisons, Offences, and Crimes, wherewith he is charged by the
 Commons House of Parliament, and which are comprised in the Articles
 preferred against him, and were aggravated by those, whose service was
 used by that House in the delivery of them, Doth finde in himself an un-
 expressible pressure of deep and hearty sorrow, that so great and so wor-
 thy a Body should have him suspected of those things which are objected
 against him; whereas, had that Honorable House first known the very
 truth of those particulars, whereof they had not there the means to be
 rightly informed; he is well assured in their own true judgments, they
 would have forbore to have charged him therewith.

But the integrity of his own Heart and Conscience, being the most
 able and most impartial witnesses, not accusing him of the least thought
 of disloyalty to his Sovereign, or to his Country, doth raise his spirits
 again to make his just defence before your Lordships, of whose Wisdom,
 Justice, and Honor, he is so well assured, That he doth with confidence,
 and yet with all humbleness submit himself and his cause to your Exami-
 nations and Judgments, before whom he shall with all sincerity and clear-
 ness, unfold and lay open the secrets of his own actions, and of his heart;
 and in his Answer shall not affirm the least Substantial, and as near as he
 can the least Circumstantial point, which he doth not believe he shall
 clearly prove before your Lordships.

The

The Charge consisteth of Thirteen several Articles, whereunto the Duke, saving to himself the usual benefit of not being prejudiced by any words or want of form in his Answer; but that he may be admitted to make further explanation and proof, as there shall be occasion, and saving to him all Priviledges and Rights belonging to him, as one of the Peers of the Realm, doth make these several and distinct Answers following, in the same order they are laid down unto him.

The Charge touching Plurity of Offices.

To the first, which concerneth Plurality of Offices which he holdeth, he answereth thus, That it is true that he holdeth those several Places and Offices, which are enumerated in the preamble of his Charge, whereof onely three are worthy the name of Offices, viz. The Admiralty, the Wardenship of the Cinque Ports, and Mastership of the Horse; the other are rather titular and additions of Honor. For these Offices he humbly and freely acknowledgeth the bounty and goodness of his most Gracious Master who is with God; who when he had cast an Eye of Favor upon him, and had taken him into a more near place of service about his Royal Person, was more willing to multiply his Graces and Favors upon him, then the Duke was forward to ask them; and for the most part (as many honorable persons, and his now most Excellent Majesty, above all others, can best testifie) did prevent the very desires of the Duke in asking: And all these particular places, he can and doth truly affirm, his late Majesty did bestow them of his own Royal motion (except the Wardenship of the Cinque Ports onely) and thereto also he gave his approbation and encouragement.

And the Duke denieth, that he obtained these places, either to satisfie his exorbitant ambition, or his own profit or advantage, as is objected against him: And he hopeth he shall give good satisfaction to the contrary in his particular Answers ensuing, touching the manner of his obtaining the places of the Admiralty, and the Wardenship of the Cinque Ports, whereunto he humbly desireth to refer himself. And for the Mastership of the Horse to his Majesty, he saith it is a meer domestick office of attendance upon the Kings person, whereby he receiveth some profit; yet but as a conveniency to render him more fit for his continual attendance; and in that place, the times compared, he hath retrenched the Kings annual charge to a considerable value, as shall be made apparent.

And for the number of places he holdeth, he saith, That if the Commonwealth doth not suffer thereby, he hopeth he may without blame, receive and retain that, which the liberal and bountiful hand of his Master hath freely conferred upon him: And it is not without many Presidents, both in Antient and Modern times, That one man eminent in the esteem of his Sovereign, hath at one time held as great and as many Offices: But when it shall be discerned, That he shall falsly or corruptly execute those places, or any of them, or that the Publick shall suffer thereby; he is so thankful for what he hath freely received, that whensoever his Gracious Master shall require it, without disputing with his Sovereign, he will readily lay down at his Royal Feet, not onely his Places and Offices, but his whole Fortunes and his life, to do him service.

His Charge touching Plurality of Offices:

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His Charge
touching his
buying the
Admirals
place.

For his buying of the Admirals place, the said Duke maketh this clear and true Answer.

That it is true, that in *January*, in the Sixteenth year of his late Majesties Raigh, his late Majesty did by his Letters Patents under the Great Seal of *England*, grant unto the Duke the Office of Admiralty for his life; which Grant, as he well knoweth it, was made freely and without any Contract or Bargain with the late Lord Admiral, or any other; and upon the voluntary Surrender of that Noble and wel-deserving Lord, so he is advised it will appear to be free from any defect in Law, by reason of the Statute of 5 *Edw.6.* mentioned in this Article of his Charge, or for any other cause whatsoever: For he saith the true manner of his obtaining this Office, and of all the passages thereof, which he is ready to make good by Proof, was thus, That Honorable Lord, the late Earl of *Nottingham*, the Lord Admiral, being grown much in years, and finding that he was not then so able to perform that which appertained to his place, as in former times he had done to his great Honor; and fearing lest his Majesties service, and the Commonwealth, might suffer by his defect, became an humble and earnest Petitioner to his late Majesty, to admit him to surrender his Office. His late Majesty was at the first unwilling unto it, out of his Royal Affection to his Person, and true Judgment of his worth: But the Earl renewed his Petitions, and in some of them nominated the Duke to be his Successor, without the Dukes privity or fore-thought of it. And about that time, a Gentleman of good place about the Navy, and of long experience, of himself came to the Duke, and earnestly moved him to undertake the place. The Duke apprehending the weight of the place, and considering his yong years, and want of experience to manage so great a charge, gave no ear unto it; but excused it not for form, but really and ingenuously out of the apprehension of his then unfitness for it. This Gentleman not thus satisfied, without the Duke, applied himself to the late King, and moved his Majesty therein, and offered Reasons for it, That the Duke was the fittest man at that time, and as the State of the Navy then stood, for that place; for, he said, it was then a time of peace. That the best service that could be done for the present, was to repair the Navy and Ships Royal, which then were much in decay, and to retrench the Kings charge, and to employ it effectually; and that before there was like to be personal use of service, otherwise the Duke being yong and active, might gain experience, and make himself as fit as any other; and that in the mean time, none was so fit as himself, having the opportunity of his Majesties Favor and Means to his Person, to procure a constant assignment and payment of moneys for the Navy; the want whereof, was the greatest cause of the former defects.

These Reasons perswaded his late Majesty, and upon his Majesties own motion, perswaded the Duke to take the charge upon him: And thereupon the Earl voluntarily, freely, and willingly, and upon his own earnest and often suit, surrendered the place without any President, Contract, or Promise whatsoever; which might render the Duke in the least degree subject to the danger of the Law (which was not then so much as once thought upon) and upon that Surrender, the Grant was made to the Duke. But it is true, That his Majesty out of his Royal bounty, for recompence of the long and faithful service of the said Earl, and for an honorable

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A honorable memory of his deserts to him, and the Crown of *England*, did grant him a Pension of One thousand pounds *per annum* for his life; which in all Ages hath been the Royal way of Princes, wherewith to reward antient and well-deserving Servants in their elder years; when without their own faults they are become less serviceable to the State: And the Duke also voluntarily and freely, and as an argument of his noble respect towards so honorable a Predecessor, whom to his death he called Father; whose Estate as he then understood, with his late Majesties privy and approbation, did send him Three thousand pounds in money; which he hopeth no person of worth and honor will esteem to be an act worthy of blame in him. And when the Duke had thus obtained this place of great trust, he was so careful of his duty, that he would not relie upon his judgment or ability, but of himself humbly besought his then Majesty to settle a Commission of fit and able persons for the Affairs of the Navy; by whose Council and assistance, he might manage that weighty business with the best advantage for his Majesties service; which Commission was granted, and yet continueth, and without the advice of those Commissioners, he hath never done any thing of moment; and by their advice and industry he hath thus husbanded the Kings money, and furthered the service, that where before the ordinary charge of the Navy was Fifty four thousand pounds *per annum*, and yet the Ships were very much decayed, and their Provisions neglected, the charge was returned to Thirty thousand pounds *per annum*, and with that charge, the Ships all repaired and made serviceable, and two new Ships builded yearly; and for the two last years, when there were no new Ships built, the ordinary charge was reduced to Twenty one thousand six hundred pounds *per annum*. And now he dare boldly affirm, that his Majesties Navy is in better state by much, then ever it was in any precedent time whatsoever.

For his buying the Wardenship of the Cinque Ports, he maketh this plain, ingenuous and true Answer.

That in *December*, in the Two and twentieth year of his late Majesties Raign, he obtained the Office of Lord Warden of the Cinque Ports, and Constable of the Castle of *Dover*, (being one entire Office) upon the Surrender of the Lord *Zouch*, then Lord Warden.

The Charge touching his buying the Wardenship of the Cinque Ports.

The manner of obtaining whereof, was thus, The Lord *Zouch* being grown in years, and with his almost continual lameness being grown less fit for that place, he discovered a willingness to leave it, and made several offers thereof to the Duke of *Richmond*, and *Richard* Earl of *Dorset*, deceased; but he was not willing to part with it without recompence. Notice whereof coming to the Duke, by an offer made from the Lord *Zouch*, he finding by experience how much, and how many ways both the Kings service might, and many times did suffer; and how many inconveniences did arise to the Kings Subjects in their Goods, Ships, and Lives, by the intermixture of the Jurisdictions of the Admiralty and Wardenship of the Cinque Ports, by the emulation, disaffection, and contention of their Officers, as clearly appear by these particulars, amongst many others which may be instanced.

1. Where the Admiral-Jurisdiction extends generally to all the Narrow Seas; the Warden of the Cinque Ports hath and exerciseth Admiral-Jurisdiction on all the Sea Coasts, from Show-Beacon in *Essex*,

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to the Red Noor in *Sussex*; and within those Limits there have been continual differences between the Lord Admiral, and the Lord Warden, whether the Lord Wardens Jurisdiction extends into the main Sea, or onely as far as the low Water Mark, and so much further into the Sea, as a man on Horsback can reach with a Launce, which occasioneth Questions between those cheif Officers themselves.

2. There are many and continual differences in executing of Warrants against offenders; the Officers of the one, refusing to obey or assist the Authority of the other; whereby the offenders protected or countenanced by either, easily escapeth. A

3. Merchants and Owners of Goods questioned in the Admiralty, are often enforced to sue in both Courts, and often enforced for their peace to compound with both Officers.

4. The Kings service is much hindred for the most usual and ordinary Rendevouz of the Kings Ships, being at the *Downs*, and that being within the Jurisdiction of the Lord Warden, the Lord Admiral or Captains of the Kings Ships, have no Power or Warrant to press men from the shore, if the Kings Ships be in distress. B

5. When the Kings Ships, or others, be in danger on the *Goodwins*, and other places within the view of the Ports-men, they have refused to help with their Boats, lest the Kings Ships should command them on board, whereby many Ships have perished, and much Goods have been lost.

6. When Warrants come to press a Ship at Road for the Kings service, the Officers take occasion to disobey the Warrants, and prejudice the Kings service. For if the Warrant come from the Lord Warden, they will pretend the Ship to be out of their Jurisdiction; if the Warrant come from the Lord Admiral, they will pretend it to be within the Jurisdiction of the Cinque Ports: And so whilst the Officers dispute, the opportunity of the service is lost. C

7. When the Kings Ships lie near the Ports, and the men come on shore, the Officers refuse to assist the Captains to reduce them to the Ships without the Lord Wardens Warrant. D

8. If the Kings Ships, on the sudden, have any need of Pilots for the Sands Coasts of *Flanders*, or the like, wherein the Ports-men are best experienced, they will not serve without the Lord Wardens, or his Lieutenants Warrant, who perhaps are not near the place.

9. When for great occasions for the service of the State, the Lord Admiral and Lord Warden must both joyn their Authority; if the Officers for want of true understanding of their several Limits and Jurisdictions, mistake their Warrants, the service which many times can endure no delay, is lost, or not so effectually performed. E

For these and many other Reasons of the like kinde, the Duke not being led, either with ambition or hope of profit as hath been objected (for it could be no encrease of Honor to him, having been honored before with a greater place; nor of profit, for it hath not yielded him in any matter any profit at all, nor is like to yield him above Three hundred pounds *per annum* at any time) but out of his desire to make himself the more able to do the King and Kingdom service, and prevent all differences and difficulties which heretofore had, or hereafter might hinder the same; He did entertain that motion, and doth confess, that not knowing, or so much as thinking of the said Act of Parliament before mentioned, he did agree to give the said Lord One thousand pounds in money, and Five hundred F

hundred pounds *per annum*, in respect of his Surrender, he not being willing to leave his place without such consideration, nor the Duke willing to have it without his full satisfaction; and the occasion why the Duke of *Buckingham* gave that consideration to the Lord *Zouch*, was, because the Duke of *Richmond* in his life time had first agreed to give the same consideration for it; and if he had lived, he had had that place upon the same terms: And when the said Duke of *Richmond* was dead, his late Majesty directed the Duke of *Buckingham* to go shorow for that place, and for the Reasons before-mentioned, to put both these Offices together, and to give the same consideration to the said Lord, which the Duke of *Richmond* should have given, and his late Majesty said he would repay the money. And how far this act of his, in acquiring this Office, accompanied with these Circumstances, may be within the danger of the Law, the King being privy to all the passages of it, and encouraging and directing it, he humbly submitteth to your judgement; and he humbly leaves it to your Lordships judgments, in what third way an antient servant to the Crown, by age or infirmity, disabled to perform his service, can in an honorable course relinquish his place; for if the King himself give the Reward, it may be said it is a charge to the Crown; if the succeeding Officer give the Recompence, it may thus be objected to be within the danger of the Law: And howsoever it be, yet he hopeth it shall not be held in him a crime, when his intentions were just and honorable, and for the furtherance of the Kings service; neither is it without president, that in former times of great employment, both these Offices were put into one hand by several Grants.

To this Article, whereby the not guarding of the Narrow Seas in these last two years by the Duke, according to the trust and duty of an Admiral, is laid to his charge; whereof the consequence, supposed to have been meerly through his default, are the ignominious infesting of the Coasts with Pirats and Enemies, the endangering of the Dominion of these Seas, the extream loss of the Merchants, and the decay of the Trade and Strength of the Kingdom:

The Duke maketh this Answer, That he doubteth not but he shall make it appear to the good satisfaction of your Lordships, that albeit there hath hapned much loss to the Kings Subjects within the said time of two years by Pirats and Enemies, yet that hath not hapned by the neglect of the Duke, or want of care and diligence in his place: For whereas in former times the ordinary Guard allowed for the Narrow Seas hath been but four Ships, the Duke hath since Hostility begun and before procured their number to be much increased; for since *June, 1624.* there hath never been fewer then Five of the Kings Ships, and ordinarily Six, besides Pinnaces, Merchants Ships, and Drumblers; and since open hostility, Eight of the Kings Ships, besides Merchants of greater number and Pinnaces and Drumblers; and all these well furnished and manned, sufficiently instructed and authorised for the service. He saith, he hath from time to time, upon all occasions acquainted his Majesty, and the Council-Bord therewith, and craved their advice, and used the assistance of the Commissioners for the Navy in this service; and for the Dunkirkers who have of late more infested these Coasts then in former years, he saith, There was that Providence used for the repressing of them, that his Majesties Ships, and the Hollanders joyning together, the Port of *Dunkirk* was blocked up, and so should have continued, had not a sudden storm

The Charge touching his not guarding the Seas.

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disperſed them, which being the immediate hand of God, could not by any pollicy of man be prevented; at which time, they took the opportunity to Rove abroad, but it hath been ſo far from endangering the Dominion of the Narrow Seas thereby, as is ſuggeſted, That his Majeſties Ships or Men of War, were never yet maſtered, nor encountred by them, nor will they endure the fight of any of our Ships; and when the Duke himſelf was in perſon, the Dunkirkers run into their Harbors. But here is a neceſſity, that according to the fortune of Wars, interchangeable loſſes will happen; yet hitherto notwithstanding their more then wonted inſolency, the loſs of the Enemies part hath been as much, if not more then what hath hapned to us; and that loſs that hath ſaln, hath cheiſly come by this means, that the Dunkirkers Ships being of late years exerciſed in continual hoſtility with the Hollanders, are built of a Mold as fit for flight as for fight; and ſo they pilfer upon our Coaſts, and creep to the ſhore, and eſcape from the Kings Ships: But to prevent that inconvenience for the time to come, there is already order taken for the building ſome Ships, which ſhall be of the like Mold, light and quick of ſail, to meet with the adverſe party in their own way. And for the Pirates of *Sallie*, and thoſe parts, he ſaith, it is but very lately that they found the way into our Coaſts, where, by ſurpriſe, they might eaſily do hurt; but there hath been that proviſion taken by his Majeſty, not without the care of the Duke, both by force and treaty to repreſs them for the time to come, as will give good ſatiſfaction. All which he is aſſured will clearly appear upon proof.

The Charge touching the unjuſt ſlay of the Ship of *Newhaven*, called the *St. Peter*, after Sentence.

To this Article the Duke maketh this Answer, That about *September* laſt, this Ship called the *St. Peter* (amongſt divers others) was ſeiſed on as lawful prize by his Majeſties Ships, and brought into *Plimouth*, as Ships laden by the Subjects of the King of *Spain*; in the end of *October*, or beginning of *November*, they were all brought to the *Tower of London*, all of them were there unladen; but the *Peter* and the bulk of her Goods was not ſtirred, becauſe they were challenged by the Subjects of the French King; and there did not then appear ſo much proof againſt her, and the goods in her, as againſt the reſt. About the middle of *November*, Allegations were generally put in againſt them all in the Admiralty Court, to juſtifie the ſeiſure, and all the Pretendants were called in upon theſe proceedings, divers of the Ships and Goods were condemned, and divers were releaſed in a legal courſe; and others of them were in iuſpence till full proof made. The Eight and twentieth day of *December*, complaint was made on the behalf of ſome Frenchmen at the Council-Board concerning this Ship and others, when the King by Advice of his Council (his Majeſty being preſent in perſon) did order that the Ship of *Newhaven* called the *Peter*, and the Goods in her, and all ſuch other Goods of the other prizes, as ſhould be found to appertain to his Majeſties own Subjects, or to the Subjects of his good Brother the French King, or the States of the United Provinces, or any other Princes or States in Friendſhip or Alliance with his Majeſty, ſhould be delivered: But this was not abſolute, as is ſuppoſed by the Charge, but was thus qualified, ſo as they were not fraudulently coloured, and it was referred to a judicial proceeding.

According to this juſt and honorable Direction, the Kings Advocate proceeded upon the general Allegations formerly put in the 26 of *January*, after there was a Sentence in the Admiralty, that the *Peter* ſhould be diſcharged,

charged, and the Kings Advocate not having then any knowledge of further proof, consented to it. But this was not a Definitive Sentence, but a Sentence Interlocutory, as it is termed in that Court. Within few days after, this Ship prepared her self to be gone, and was falling down the River, then came new intelligence to the Lord Admiral, by the Lieutenant of the *Tower*, That all those Ships were laden by the Subjects of the King of *Spain*; that the *Amirantasco* wasted them beyond the North Cape; that they were but coloured by Frenchmen; that there were Witnesses ready to make good this new Allegation; neither was it improbable to be so, for part of the Goods in that Ship have been confessed to be lawful prize. This Ship being now falling down the River, and being a Ship of the most value of all the rest, the Duke acquainted the King therewith, and by his commandment made stay of the Ship, lest otherwise it would be too late, which the Duke in the duty of his place of Admiral, as he believeth, ought to have done without such command: And if he had not done so, he might worthily have been blamed for his negligence, and then instantly he sent for the Judge of the Admiralty to be informed from him how far the Sentence already past did binde, and whether it might stand with Justice to make stay of her again, she being once discharged in such manner as before: The Judge answered, As he was advised, that it might justly be done upon better proofs appearing; yet discreetly in a matter of that moment, he took time to give a resolute answer, That in the interim he might review the Acts which had passed: The next day, or very shortly after, the Judge came again to the Duke, and upon Advice answered resolutely, That the Ship and the Goods might justly be stayed, if the proofs fell out to be answerable to the Information given; whereof he said he could not judge, till he had seen the Depositions. And according to this resolution of the Judge, did five other Learned Advocates, besides the Kings Advocate; concur in opinion, being intreated by the Duke to advise thereof; so cautious was the Duke, not to do any unjust act. Then he acquainted the King again therewith, and his Majesty commanded him to reseize this Ship, and to proceed judicially to the proofs; and the Duke often required the Kings Advocate to hasten the examination of the Witnesses, and many Witnesses were produced and examined, in pursuance of this new Information. But the French Merchants impatient of any delay, complained again to the Council-Board, where it was ordered not barely, That the Ship and Goods should be presently delivered, but should be delivered upon security; and upon security she had been then delivered, if it had been given, and security was once offered, but afterwards retracted: And when all the Witnesses produced, were examined and published, the Kings Advocate having duly considered of them, forthwith acquainted the Duke that the proofs came too short for the *Peter*; and thereupon the Duke instantly gave order for her final discharge, and she was discharged by order of Court accordingly.

By which true Narration of the Fact, and all the proceedings, the Duke hopeth it will sufficiently appear, That he hath not done any thing herein, on his part, which was not justifiable, and grounded upon deliberate and well-advised Councils and Warrant. But for the doing of this to his own lucre and advantage, he utterly denieth it; for he saith, that there was nothing removed out of the Ship, but some moneys, and some small boxes of stones of very mean value, and other small Portable things lying above the Deck, easily to be imbezilled: And whatsoever

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was taken out of the Ship, was first publickly shewed to his Majesty himself, and then committed to the custody of *Gabriel Marsh*, in the Article mentioned, by Inventory, then and still Marshal of the Admiralty, by him to be safely kept; whereof the money was employed for the Kings immediate service, and by his direction, and the rest was left in safe keeping, and are all since delivered and reimbursed to the owners, or pretended owners thereof, and not a penny profit thereof, or thereby, hath come to the Duke himself, as shall be made good by proof. And whereas the suggestion hath been made, that this accident was the cause of the Imbargo of the Ships and Goods of our Merchants trading in *France*, he saith, that is utterly mistaken, for divers of their Goods were imbarged before this hapned; and if in truth, the French had therein received that as either they pretend or is pretended for them; yet the imbarguing of the Goods of the English upon that occasion, was utterly illegal and unwarrantable: For by the mutual Articles between the two Kings, they ought not to have righted themselves before Legal Complaint, and a denial on our part, and then by way of Reprisal, and not by Imbargo. So that the Duke doth humbly leave it to the consideration of your Lordships, whether the harm which hath hapned to our Merchants, hath not been more occasioned by the unseasonable justifying of the actions of the French, which animated them to increase their injuries, then by any act either of the Duke, or any other.

The Charge touching his Extortion of Ten thousand pounds from the *East-India* Company, with the abuse of the Parliament.

To this Article, which consisteth of two main Points, the one of the Extorting Ten thousand pounds unjustly, and without right from the *East-India* Company; the other, admitting the Duke had a right as Lord Admiral, the compassing it by undue ways, and abusing the Parliament, to work his private ends, the Duke giveth this Answer, wherein a plain Narration of the Fact, he hopeth, will clear the Matters objected; and in this he shall lay down no more then will fully appear upon Proof.

About the end of *Michaelmas* Term, 1623. the Duke had information given him by a principal Member of their own Company, that the Company had made a great advantage to themselves in the Seas of *East-India*, and other parts of *Asia* and *Africa*, by rich prizes gotten there forcibly from the *Portugals*, and others; and a large part thereof was due to his Majesty, and to the Duke as Admiral by the Law; for which, neither of them had any satisfaction. Whereupon directions were given for a legal prosecution in the Court of Admiralty, and to proceed in such Matter as should be held fittest by the Advice of Council.

In the Moneths of *December* and *January*, in that year divers Witnesses were examined in the Admiralty according to the ordinary course of that Court, to instruct and furnish Informative Processes in this behalf. After the Tenth of *March*, 1623. an Action was commenced in the Court in the joynt names of his Majesty, and the Admiral, grounded upon the former proceeding; this was prosecuted by the Kings Advocate, and the demand at first was Fifteen thousand pounds. The Action being thus framed in both their names, by Advice of Council, because it was doubtful in the judgment of the Council, Whether it did more properly belong to the one, or to the other, or to both; and the form of entering that Action being most usual in that Court, on the Eight and twentieth of *April*, 1624. the Judicial Agreement and Sentence passed thereupon in the Admiralty Court, wherein the Companies consent, and their own offer, plainly appeareth; so that for the second part of the right, it

were

were very hard to conclude that the Duke had no right, contrary to the Companies own consent, and the sentence of the Court, grounded on their Agreement, unless it shall fully appear, That the Company was by strong hand inforced thereto, and so the money extorted.

Therefore to clear that scruple, That as the matter of the Suit was just, or at least so probable as the Company willingly desired it for their peace, so the manner was as just and honorable; your Lordships are humbly entreated to observe these few true Circumstances. The Suit in the Admiralty begun divers moneths before the first mention of it in Parliament; and some moneths before the beginning of it in that Parliament, it was prosecuted in a legal course, and upon such grounds as will yet be maintained to be just. The Composition made by the Company, was not moved by the Duke, but his late Majesty on the behalf of himself, and of the Duke, treated with divers Members of the Company about it, and the Duke himself treated not at all with them. The Company without any compulsion at all agreed to the Composition, not that they were willing to give so much, if they might have escaped for nothing, but that they were willing to give so much, rather then to hazard the success of the Suit: And upon this Composition concluded by his Majesty, the Company desired and obtained a Pardon for all that was objected against them. The Motion in Parliament about the stay of the Companies Ships then ready prepared and furnished, was not out of any respect to draw them the rather to give the Composition, but really out of an apprehension, that there might be need of their strength for the defence of the Realm at home; and if so, then all private respects must give way to the Publick Interest. These Ships upon the importunity of the Merchants, and Reasons given by them, were suffered nevertheless to fall down to *Tilbury*, by his late Majesties direction to speed their Voyage the better, whilst they might be accommodated for this Voyage, without prejudice to the publick safety, they were discharged when there was an Accommodation propounded and allowed, which was, That they should forthwith prepare other Ships for the home service, whilst those went over with their Voyage, which they accordingly did. That the Motion made in the Commons House, was without the Dukes knowledge or privity. That when there was a rumor, that the Duke had drawn on the Composition by staying of the Ships which were then gone, the Duke was so much offended thereat, that he would have had the former Communication to have broken off, and have proceeded in a legal course, and he sent to the Company to that purpose; but the Company gave him satisfaction, That they had raised no such rumor, nor would, nor could avow any such thing, and entreated him to rest satisfied with their publick acts to the contrary. That after this, their Ships being gone, themselves careful of their future security, solicited the dispatch of the Composition, consulted with Council upon the Instruments which passed about it, and were at the charge thereof, and the money was paid long after the sentence, and the sentence given after the Ships were gone; and no security given at all for the money, but the sentence; and when this money was paid to the Duke, the whole sum (but Two hundred pounds thereof onely) was borrowed by the King, and employed by his own Officers, for the service of the Navy. If these things do upon proof appear to your Lordships, as is assured they will, he humbly submiteth it to your judgments, how far verbal Affirmations or Informations extrajudicial, shall move your judgments, when Judicial Acts, and those things which were acted and executed, prove the contrary :

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The Charge touching his putting the Ships into the hands of the French.

Since the Dukes Answer delivered into the House, he hath himself openly declared to their Lordships, That for the better clearing of his Honor and Fidelity to the State, in that part of his Charge which is objected against him by

this Seventh Article, he hath been an earnest and humble Suiter to his Majesty, to give him leave in his Proofs, to unfold the whole Truth and Secret of that great Action, and hath obtained his Majesties gracious leave therein; and accordingly doth intend to make such open and clear Proof thereof, that he nothing doubteth but the same when it shall appear, will not onely clear him from blame, but be a Testimony of his care and faithfulness in serving the State

The Charge touching his practice of the employment of them against *Rochel*.

To this Article, which is so mixt with Actions of great Princes, as that he dareth not in his duty publish every passage thereof, he cannot for the present make so particular an Answer as he may, hath, and will do, to the rest of his Charge. But he giveth this general Answer, the truth whereof he humbly prayeth may rather appear to your Lordships by the Proofs, then by any Discourse of his; which in Reason of State, will happily be conceived fit to be more privately handled.

That these Ships were lent to the French King at first, without the Dukes Privitie: That when he knew it, he did that which belonged to an Admiral of *England*, and a true English man: And he doth deny, that by menace, or compulsion, or any other indirect, or undue practice, or means, he by himself, or by any others, did deliver those Ships, or any of them, into the hands of the French, as is objected against him: That the Error which did happen, by what direction soever it were, was not in the intention any ways injurious, or dishonorable, or dangerous to this State, or prejudicial to any private man, interested in any of those Ships; nor could have given any such offence at all, if those promises had been observed by others, which were professed and really performed by his Majesty and his Subjects on their parts.

To this Article wherewith he is taxed to have practised for the employment of the Ships against *Rochel*, he answereth.

That he was so far from practising or consenting that the said Ships should so be employed, that he shall make it clearly to appear, that when it was discovered, that they would be employed against those of the Religion, the Protestation of the French King being otherwise, and their pretence being, That there was a Peace concluded with those of the Religion, and that the French King would use those Ships against *Genoa*, which had been an action of no ill consequence to the Affairs of Christendom: The Duke did by all fit and honorable means, endeavor to divert that course of their employment against *Rochel*. And he doth truly and boldly affirm, That his endeavors under the Royal care of his most Excellent Majesty, hath been a great part of the means to preserve the Town of *Rochel*, as the Proofs, when they shall be produced, will make appear. And when his Majesty did finde that beyond his intention, and contrary to the faithful Promises of the French, they were so misemployed, he found himself bound in honor to intercede with the most Christian King, his good Brother, for the Peace of that Town, and of the Religion, lest his Majesties Honor might otherwise suffer: Which intercession his Majesty did so sedulously, and so successfully pursue, that the Town and the Religion there, do and will acknowledge the fruits thereof.

And whereas it is further objected against him, That when in so unfaithful a manner he had delivered those Ships into the power of a foreign State, to the danger of the Religion, and scandal and dishonor of our Nation, which he utterly denieth to be so: That to mask his ill intentions, in cunning and cautelous manner, he abused the Parliament at *Oxford*, in affirming before the Committees of both Houses, That the said Ships

were

A were not, nor should be so used or employed; he saith, (under the favor of those who so understood his words,) That he did not then use those words which are expressed in the Charge to have been spoken by him, but there being then a jealousy of the mis-employing of those Ships, the Duke having no knowledge thereof, and knowing well what the promises of the French King were, but was not then seasonable to be published; he hoping they would not have varied from what was promised, did say, That the event would shew it was no undertaking for them, but a Declaration of that in general terms which should really have been performed, and which his Majesty had just cause to expect from them.

B That the Duke did compel the Lord R. to buy his Title of Honor, he utterly denieth; and he is very confident, that the Lord R. himself will not affirm it, or any thing tending that way: Neither can he, nor any man else truly say so, but the said Duke is able to prove, that the Lord R. was before willing to have given a much greater sum, but could not then obtain it; and he did now obtain it by solicitation of his own Agents.

The Charge touching the compelling the Lord R. to buy Honor.

C For the selling of places of Judicature by the Duke, which are specially instanced in the Charge, he answereth, That he received not, or had a penny of either of those sums to his own use; but the truth is, the Lord M. was made Lord Treasurer by his late Majesty without contracting for any thing for it; and after that he had the Office conferred upon him, his late Majesty moved him to lend him Twenty thousand pounds upon promise of repayment at the end of a year; the Lord M. yielded to it, so as he might have the Dukes word that it should be repayed unto him accordingly: The Duke gave his word for it; the Lord M. relied upon it, and delivered the said sum to the hands of Mr. Porter then attending upon the Duke, by the late Kings appointment, to be disposed as his Majesty should direct. And according to the Kings direction, that very money was fully paid out to others, and the Duke neither had, nor disposed of a penny thereof to his own use, as is suggested against him.

The Charge touching his selling of places of Judicature.

D And afterwards when the Lord M. left that place, and his money was not repayed unto him, he urged the Duke upon his promise; whereupon the Duke being jealous of his Honor, and to keep his word, not having money to pay him, he assured Lands of his own to the Lord M. for his security. But when the Duke was in Spain, the Lord M. obtained a promise from his late Majesty of some Lands in Fee-farm, to such a value, as he accepted of the same in satisfaction of the said money, which were afterwards passed unto him; and at the Dukes return, the Lord M. delivered back unto him the security of the Dukes Lands which had been given unto him as aforesaid.

E And for the Six thousand pounds supposed to have been received by the Duke, for procuring to the Earl of M. the Masterhip of the Wards, he utterly denieth it; but afterwards he heard that the Earl of M. did disburse Six thousand pounds about that time; and his late Majesty bestowed the same upon Sir Henry Mildmay, his Servant, without the Dukes privity, and he had it and enjoyed it, and no penny thereof came to the said Duke, or to his use.

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The Charge
touching his
procuring of
Honors for his
poor Kinred.

To this Article the Duke answereth, That it is true that his late Majesty out of his Royal Favor unto him, having honored the Duke himself with many Titles and Dignities of his bounty; and as a greater argument of his Princely Grace, did also think fit to honor those who were in equal degree of Blood with him, and also to ennoble their Mother who was the Stock that bare them:

The Title of the Countess of *Buckingham* bestowed upon the Mother, was not without President; and she hath nothing from the Crown but a Title of Honor which dieth with her.

The Titles bestowed on the Viscount *P.* the Dukes Elder Brother, were conferred on him, who was a Servant of the Bed-chamber to his now Majesty, then Prince, by his Highness means; the Earl of *A.* was of his late Majesties Bed-chamber, and the Honors and Lands conferred on him, was done when the Duke was in *Spain*.

The Earl of *D.* hath the Honors mentioned in the Charge, but he hath not a foot of Land which came from the Crown, or the Kings Grant.

But if it were true, That the Duke had procured Honors for those who are so near and so dear unto him; the Law of Nature, and the Kings Royal Favor, he hopeth will plead for his excuse; and he rather believeth he were worthy to be condemned in the opinion of all generous mindes, if being in such Favor with his Master, he had minded onely his own advancement, and had neglected those who were nearest unto him.

The Charge
touching his
exhausting, in-
tercepting
and mis-em-
ploying the
Kings Reve-
nue.

To this Article his Answer is, That he doth humbly, and with all thankfulness acknowledge the bountiful hand of his late Majesty unto him; for which he oweth so much to the memory of that deceased King, his most Excellent Majesty that now is, and their Posterity, that he shall willingly render back whatsoever he hath received, together with his life, to do them service. But for the immense sums and values which are suggested to have been given unto him, he saith, There are very great mistakings in the calculations which are in the Schedules in this Article mentioned; unto which the Duke will apply particular Answers in another Schedule, which shall expresse the truth of every particular as near as he can collect the same, to which he referreth himself; whereby it shall appear, what a great disproportion there is between Conjectures and Certainties: And those gifts which he hath received, though he confesseth, that they exceed his Merit, yet they exceed not Presidents of former times. But whatsoever it is he hath, or hath had, he utterly denieth that he obtained the same, or any part thereof, by any undue solicitation, or practice, or did unduly obtain any Release of any sums of money he received; but he having at several times, and upon several occasions disposed of divers sums of the moneys of his late Majesty, and of his Majesty that now is, by their private directions, he hath Releases thereof for his discharge, which was honorable and gracious in their Majesties, who granted the same for their Servants indemnity; and he hopeth was not unfit for him to accept of, lest in future times, he or his might be charged therewith, when he could not be able to give so clear an account thereof, as he hopeth he shall now be well able to do.

To

2 Carol.
The Charge
touching the
transgression
presumption
in giving Phy-
sic to the
King.

To this Charge, which is set forth in such an expression of words as might argue an extraordinary guiltiness in the Duke, who by such infinite bonds of duty and thankfulness was obliged to be tender of the life and health of his most dread and dear Sovereign and Master, he maketh this clear and true Answer: That he did neither apply nor procure the Plaister or Posset-drink, in the Charge termed to be a Potion, unto his late Majesty, nor was present when the same was first taken or applied: But the truth is this; That his Majesty being sick of an Ague, took notice of the Dukes recovery of an Ague not long before, and asked him how he had recovered, and what he found did him most good? The Duke gave him a particular answer thereto, and that one who was the Earl of *Warwicks* Physician had ministred a Plaister and Posset-drink to him; and the chief thing that did him good was a Vomit, which he wished the King had taken in the beginning of his sickness. The King was very desirous to have that Plaister and Posset-drink sent for, but the Duke delayed it; whereupon the King impatiently asked whether it were sent for, or not? and finding by the Dukes speeches he had not sent for it, his late Majesty sent for *Fohn Baker* the Dukes servant, and with his own mouth commanded him to go for it: Whereupon the Duke besought his Majesty not to make use of it but by the advice of his own Physicians, nor until it should be tried of *James Palmer* of his Bed-chamber, who was then sick of an Ague, and upon two Children in the Town. Which the King said he would do: And in this resolution the Duke left his Majesty, and went to *London*; and in the mean time in his absence the Plaister and Posset-drink was brought and applied by his late Majesties own command. At the Dukes return, his Majesty was in taking of the Posset-drink, and the King then commanded the Duke to give it him, which he did in the presence of some of the Kings Physicians, they then no ways seeming to dislike it, the same Drink being first tasted of by some of them, and divers others in the Kings Bed-chamber. And he thinketh this was the second time the King took it. Afterwards when the King grew somewhat worse then before, the Duke heard a rumor as if his Physick had done the King hurt, and that the Duke had ministred that Physick to him without advice. The Duke acquainted the King therewith, to whom the King with much discontent answered thus, *They are worse then Devils that say it.* So far from the truth it was, which now notwithstanding (as it seemeth) is taken up again by some, and with much confidence affirmed. And here the Duke humbly prayeth all your Lordships not only to consider the truth of this Answer, but also to commiserate the sad thought which this Article hath revived in him.

This being the plain, clear and evident truth of all those things which are contained and particularly expressed in his Charge, (the rest being in general requiring no Answer) He being well assured that he hath herein affirmed nothing which he shall not make good by proof in such way as your Lordships shall direct;

He humbly referreth it to the judgment of your Lordships, how full of danger and prejudice it is to give too ready an ear and too easie a belief unto Reports or Testimony without Oath, which are not of weight enough to condemn any. He humbly acknowledgeth how easie it was for him in his younger years and unexperienced, to fall into thousands of errors in

An. 1626.

those ten years wherein he had the honor to serve so great and open-hearted a Sovereign and Master: But the fear of Almighty God, his sincerity in the true Religion established in the Church of *England*, (though accompanied with many weakneses and imperfections, which he is not ashamed humbly and heartily to confess) his awfulness not willing to offend so good and gracious a Master, and his love and duty to his Country have restrained him and preserved him (he hopeth) from running into heinous and high misdemeanors and crimes. But whatsoever upon examination and mature deliberation they shall appear to be, left in any thing unwittingly within the compass of so many years he shall have offended, He humbly prayeth your Lordships not only in those, but as to all the said misdemeanors, misprisions, offences and crimes wherewith he standeth charged before your Lordships, to allow unto him the benefit of the free and general Pardon granted by his late Majesty in Parliament in the 21. year of his Reign, out of which he is not excepted; and of the gracious Pardon of his now Majesty granted to the said Duke, and vouchsafed in like manner to all his Subjects at the time of his most happy Inauguration and Coronation: Which said Pardon under the Great Seal of *England* granted the said Duke, beareth date the 10. day of *February* now last past, and here is shewn forth unto your Lordships, on which he doth most humbly rely: And yet he hopeth your Lordships in your Justice and Honor, upon which with confidence he puts himself, will acquit him of and from those misdemeanors, offences, misprisions and crimes wherewith he hath been charged; And he hopeth, and will daily pray, that for the future he shall by Gods grace so watch over his actions both publick and private, that he shall not give any just offence to any.

The Duke having put in this Answer, earnestly moved the Lords to send to the Commons to expedite their Reply; and the Commons did as earnestly desire a Copy of his Answer.

The next day his Majesty wrote this Letter to the Speaker.

The Kings
Letter to the
Speaker touch-
ing speedy
supply to his
Majesty.

TRusty and Welbeloved, We greet you well. Our House of Commons cannot forget how often and how earnestly we have called upon them for the speeding of that Aid which they intended us for our great and weighty affairs, concerning the safety and honor of us and our Kingdoms: And now the time being so far spent, that unless it be presently concluded, it can neither bring us Money nor Credit by the time which themselves have prefixed, which is the last of this Moneth, and being further deferred would be of little use, we being daily advertised from all parts of the great preparations of the Enemy ready to assail us; We hold it necessary by these our Letters to give them our last and final admonition, and to let them know that we shall account all further delays and excuses to be expresse denials. And therefore we will and require you to signifie unto them, that we do expect that they forthwith bring in their Bill of Subsidy to be passed without delay or Condition, so as it may fully pass the House by the end of the next week at the furthest: Which if they do not, it will force us to take other resolutions. But let them know, if they finish this according to our desire, that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit, and after their recess to bring them together again the next Winter. And if by their denial or delay, anything of ill consequence shall fall out either at home or abroad, We call God and man to witness that We have done our part to prevent it, by calling our People together to advise with us, by opening the weight of our occasions

unto them, and by requiring their timely help and assistance in these Actions wherein we stand engaged by their own Councils. And we will and command you that this Letter be publickly read in the House.

2 Caroli.

A About this time there happened, at three a clock in the afternoon, a terrible storm of Rain and Hail in and about the City of London, and with it a very great Thunder and Lightening : The graves were laid open in S. Andrews Church-yard in Holborn, by the sudden fall of the Wall which brought away the Earth with it, whereby many Coffins and the Corps therein were exposed to open view, and the ruder sort would ordinatily lift up the lids of the Coffins to see the posture of the dead Corps lying therein, who had been buried of the Plague but the year before.

B At the same instant of time there was a terrible Storm and strange Spectacle upon Thames by the turbulencie of the waters, and a Mist that arose out of the same, which appeared in a round Circle of a good bigness above the waters. The fierceness of the Storm bent it self towards York-House, (the then habitation of the Duke of Buckingham) beating against the stairs and wall thereof : And at last this round Circle (thus elevated all this while above the water) dispersed it self by degrees like the smoke issuing out of a Furnace, and ascended higher and higher till it quite vanished away, to the great admiration of the beholders. This occasioned the more discourse among the Vulgar, in that Doctor Lamb
C appeared then upon Thames, to whose Art of Conjuring they attributed that which had happened. The Parliament was then sitting, and this Spectacle was seen by many of the Members out of the windows of the House.

The Commons agreed upon this ensuing Petition to his Majesty, concerning Recusants.

D To the Kings most Excellent Majesty.

E **Y**our Majesties most obedient and loyal Subjects the Commons in this present Parliament assembled, do with great comfort remember the many Testimonies which your Majesty hath
F given of your sincerity and zeal of the true Religion established in this Kingdom, and in particular your gracious Answer to both Houses of Parliament at Oxford, upon their Petition concerning the Causes and Remedies of the Increase of Popery; That your Majesty thought fit, and would give order to remove from all Places of Authority and Government, all such persons as are either Popish Recusants, or according to direction of former Acts of State justly to be suspected; which was then presented as a great and principal cause of that mischief. But not having received so full redress herein as may conduce to the peace of this Church, and safety of this Regal State, They hold it their duty once more to resort to your Sacred Majesty, humbly to inform you, that upon examination they find the persons underwritten to be either Recusants, Papists, or justly suspected according to the former Acts of State, who now do, or since the first sitting of the Parliament did remain in places of Government and Authority, and Trust in your several Counties of this your Realm of England, and Dominion of Wales.

The Commons
Petition to the
King concern-
ing Recusants.

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The Right Honorable *Francis* Earl of *Rutland*, Lieutenant of the County of *Lincoln, Rutland, Northampton, Nottingham*, and a Commissioner of the Peace, and of Oyer and Terminer in the County of *York*, and Justice of Oyer from *Trent* Northwards. His Lordship is presented to be a Popish Recusant, and to have affronted all the Commissioners of the Peace within the *North-Riding* of *Yorkshire*, by sending a Licence under his Hand and Seal unto his Tenant *Thomas Fisher*, dwelling in his Lordships Mannor of *Helmsley* in the said *North-Riding* of the said County of *York*, to keep an Alehouse, soon after he was by an Order made at the Quarter-Sessions discharged from keeping an Alehouse, because he was a Popish convict Recusant, and to have procured a Popish Schoolmaster, namely, *Roger Conyers* to teach Schollers within the said Mannor of *Helmsley*, that formerly had his Licence to teach Schollers taken from him, for teaching Schollers that were the children of Popish Recusants, and because he suffered these children to absent themselves from the Church whilest they were his Schollers; for which the said *Conyers* was formerly complained of in Parliament.

The Right Honorable Vicount *Dunbar*, Deputy Justice in Oyer to the Earl of *Rutland*, from *Trent* Northward, and a Commissioner of *Sewers*, and a Deputy Lieutenant within the *East-Riding* of *Yorkshire*; his Lordship is presented to be a Popish Recusant, and his Indictment removed into the Kings-Bench, and his Wife, Mother, and the greatest part of his Family are Popish Recusants, and some of them convicted.

William Lord *Eury* in Commission for the *Sewers* in the *East-Riding*, a convict Popish Recusant, *Henry* Lord *Abergaveney*, *John* Lord *Tenham*, *Edward* Lord *Wotton* in Commission for *Sewers*, justly suspected for Popery; *Henry* Lord *Morley* Commissioner of *Sewers* in *Com. Lanc.* himself suspected, and his wife a Recusant, *John* Lord *Mordant* Commissioner of the Peace, *Sewers*, and Subsidie in *Com. Northampton*.

John Lord *St John* of *Basing*, Captain of *Lidley* Castle in *Com. Southampton*, indicted for a Popish Recusant.

Em. Lord *Scroop*, Lord President of his Majesties Council in the North, Lord Lieutenant of the County and City of *York*, & *Com. Eborac.* & *Ville Kingston super Hull*, presented the last time, and continuing still to give suspicion of his ill-affection in Religion.

1. By never coming to the Cathedral Church upon those dayes wherein former Presidents have been accustomed.

2. By never receiving the Sacrament upon Common dayes, as other Presidents were accustomed, but publickly departing out of the Church with his servants upon those dayes when the rest of the Council, Lord Major, and Aldermen doreceive.

3. By never or very seldom repairing to the Fast, but often publickly riding abroad with his Hawkes on those dayes.

4. By causing such as are known to be firm on those dayes in the Religion established, to be left out of Commission, which is instanced in *Henry Alured* Esquire, by his Lordships procurement put out of the Commission of *Sewers*, or else by keeping them from executing their places, which is instanced in *Dr. Hudson*, Doctor in Divinity, to whom his Lordship hath refused to give the Oath being appointed.

5. By putting divers other ill-affected persons in Commission of the Council of Oyer and Terminer, and of the *Sewers*, and into other Places of Trust, contrary to his Majesties gracious Answer to the late Parliament.

6. In

6. In October last 1625. being certified of divers Spanish ships of War upon the Coasts of Scarborough, his Lordship went thither, and took with him the Lord Dunbar, Sir Thomas Metham and William Alford, and lay at the house of the Lord Eary, whom he knew to be a convict Recusant, and did notwithstanding refuse to disarm him, although he had received Letters from the Lords of the Council to that effect; and did likewise refuse to shew the Commissioners who were to be imployed for disarming of Popish Recusants, the original Letters of the Privy-Council, or to deliver them any Copies as they desired, and as his Predecessors in that place were wont to do.

7. By giving Order to the Lord Dunbar, Sir William Wetham, and Sir William Alford, to view the Forts and Store of Munition in the Town of Kingston upon Hull, who made one Kerton a convict Recusant, and suspected to be a Priest, their Clerk in that service:

8. By denying to accept a Plea tendred according to the Law by Sir William Hilliard Defendant, against Isabel Simpson Plaintiff, in an Action of Trover, that she was a convict Popish Recusant, and forcing him to pay costs.

9. By the great increase of Recusants since his Lordships coming to that Government in January 1619. It appearing by the Records of the Sessions, that there are in the East-Riding onely One thousand six hundred and seventy more convicted then were before, which is conceived to be an effect of his favor and countenance towards them.

William Langdale Esquire convict of Popish Recusancy; Jordan Metham, Henry Holm, Michael Partington, Esquires, George Creswell, Thomas Danby, Commissioners of the Sewers, and put in Commission by procurement of the Lord Scroop, Lord President of the North, and who have all Popish Recusants to their wives; Ralph Bridgeman a Non-Communicant.

Nicholas Girlington, whose wife comes seldom to Church; Sir Marmaduke Wycl Knight and Baronet, presented the last Parliament, his wife being a convict Popish Recusant, and still continuing so.

Sir Thomas Metham Knight, Deputy Lieutenant made by the Lord Scroop in Commission of the Council of the North, and of Oyer and Terminer, and other Commissions of Trust; all by procurement of the same Lord President since the Kings Answer; never known to have received the Communion; his two onely Daughters brought up to be Popish, and one of them lately married to Thomas Doleman Esquire, a Popish Recusant.

Anthony Vicount Montague, in Commission of the Sewers in Com. Suffex, his Lordship a Recusant Papist.

Sir William Wray Knight, Deputy Lieutenant, Colonel to a Regiment, his wife a Recusant; Sir Edw. Musgrave, Sir Tho. Lampleigh Justices of Peace and Quorum; Sir Thomas Savage Deputy Lieutenant and Justice of Peace, his wife and children Recusants; Sir Richard Egerton a Non-Communicant.

Thomas Savage Esquire, a Deputy Lieutenant, a Recusant, and his wife indicted and presented; William Whitmore Commissioner of the Subsidy, his wife and children Recusants; Sir Hugh Beeston Commissioner of the Subsidy, his Daughter and many of his Servants Recusants; Sir William Masie Commissioner for the Subsidy, his Lady indicted for Recusancy, and his children Papists; Sir William Courtney Knight, Vice-Warden of the Stannery, and Deputy Lieutenant, a Popish Recusant;

Sir

An. 1626. Sir *Thomas Ridley* Knight, Justice of the Peace, his wife a Popish Recusant, and eldest son.

Sir *Ralph Conyers* Knight, Justice of Peace, his wife a Popish Recusant; *James Lawson* Esquire, a Justice of Peace, and one of the Captains of the Trained-band, his children Popish Recusants, and servants Non-Communicants.

Sir *John Shelley* Knight and Baronet, a Recusant; *William Scot* Esq; a Recusant; *John Finch* Esquire, not convict, but comes not to Church, in Commission of the Sewers.

These are all convicted Recusants, or suspected of Popery.

Sir *William Mollineux* Deputy Lieutenant and Justice of Peace, his wife a Recusant; Sir *Richard Houghton* Knight Deputy Lieutenant, his wife and some of his daughters Recusants; Sir *William Norris* Captain of the general Forces, and Justice of Peace, a Recusant; Sir *Gilbert Ireland* Justice of Peace, a Recusant; *James Anderton* Esquire, Justice of Peace, and one of his Majesties Receivers, his wife a Non-Communicant, his son and heir a great Recusant, and himself suspected.

Edward Rigby Esquire, Clerk of the Crown, Justice of Peace, himself a good Communicant, but his wife and daughters Popish Recusants.

Edward Criswell Esquire, Justice of Peace, his wife a Popish Recusant.

John Parker Gentleman, Muster-Master for the County, suspected for a Popish Recusant.

George Ireland Esquire, Justice of Peace, his wife a Popish Recusant.

John Preston Esquire, Bow-bearer for his Majesty in *Westmorland Forest*, a Recusant.

Thomas Covill Esquire, Jaylor, Justice of Peace and *Quorum*, his Daughter a Recusant married.

Sir *Cuthbert Halsal* Justice of Peace, his wife a Recusant.

Richard Sherborn Esquire, Justice of Peace, himself Non-resident, his wife and son Recusants.

Sir *George Hennage* Knight, Sir *Francis Metcalf* Knight, *Robert Thorall* Esquire, *Anthony Mounson* Esquire, *William Dallison* Esquire, in Commissioner of the Sewers, and are justly suspected for Popish Recusants.

Sir *Henry Spiller* Knight in Commission of Peace for *Middlesex* and *Westminster*, and Deputy Lieutenant; *Valentine Saunders* Esquire, one of the six Clerks, both which are justly suspected to be ill-affected in Religion according to the Acts of State.

Charles Fones Knight, Deputy Lieutenant, and Justice of Peace; *George Milburne* Esquire, Justice of Peace, *Edward Morgan* Esquire, their wives are all Popish Recusants.

William Fones Deputy Lieutenant, Justice of Peace, his wife suspected to be a Popish Recusant.

John Vaughan Captain of the Horse, suspected for Recusancy.

Benedict Hall Receiver and Steward of the Dutchy of *Lancaster*, he and his wife are Popish Recusants.

Sir *Thomas Brudenel* Knight and Baronet, Deputy Lieutenant, a Popish Recusant.

Cuthbert Herone Esquire, now Sheriff of *Northumberland*, Justice of the Peace, his wife a Recusant.

Sir *William Selby* Junior, Knight, Justice of Peace, his wife a Recusant.

Sir

Sir *John Canning* Knight, Justice of Peace, his wife a suspected Recusant.

Sir *Ephraim Widdrington* Knight, Justice of Peace suspected to be a Recusant.

Sir *Thomas Riddall* Knight, Justice of Peace, his wife and eldest son are Recusants.

A *John Widdrington* Esquire, who came out of the same County before his Majesties Proclamation was published, and is now at *London* attending the Council Table by Commandment, and yet not dismiss.

Sir *Robert Pierpoint* Esquire, Justice of Peace, his wife a Recusant.

Sir *Anthony Brown* Knight, Justice of Peace, thought to be a Recusant, but not convict.

B Sir *Henry Beddingfield* Knight, Deputy Lieutenant, and Justice in Oyer and Terminer, and in Commission of Sewers, Justice of Peace, and Captain of a foot Company, his wife nor any of his children, as is informed, come to the Church.

Thomas Sayer Captain of the Horse, his wife comes not to Church.

Sir *William Telverton* Baronet, and Justice of Peace, not suspected himself, but his eldest son and one of his daughters are known Recusants.

Sir *Henry Minne* Knight, Justice of Peace and *Quorum*, neither he his wife or daughters can be known to have received the Communion, and have been presented at the Sessions for Non-conformity.

C *Robert Warren* Clerk, a Justice of Peace, justly suspected, and that for these Reasons.

1. He being in trust for one *Ratcliff* of *Bury*, deceased, for the educating of his son; he took him from the School at Twelve years old, and sent him beyond the Seas, to be brought up there in a Popish Seminary, where he hath remained six or seven years, as was generally reported.

D 2. One of his Parishioners doubted in some points of Religion, being sick, and desired to be satisfied by him, who confirmed him in the Religion of the Church of *Rome*, which he told to his brothers before his death, who are ready to affirm the same, but this was divers years since.

E 3. There being Letters directed to four Knights of that County to call the Ministers and other officers before them, and to cause them to present all such as absented themselves from the Church, and were Popishly affected, he was desired to present those within his Parish Church of *Welford*, which he accordingly did, but left out at the least one half; and being asked, why he did so, he answered, that he was no Informer: And being asked of some particulars, whether they came to the Church or not, his Answer was, they did not, and why then did he not present them? he said, they might be Anabaptists or Brownists, and would not present them, and this certified by three Members of the House.

F 4. He having a brother dwelling in *Sudbury* that was presented for not coming to the Church, he came to one of the Ministers, and told him, that he took it ill they presented his brother, who answered, he did it not, but if he had known of it, he would; whereupon he replied, He was glad he had a brother of any Religion.

5 One of his Parish, named *Fage*, having intelligence, that there was one in the said Parish, that could inform of a Private place, where Arms were in a Recusants House in the Parish, came to some of the Deputy Lieutenants in Commission for a Warrant to bring the same in form before them, to be examined concerning the same, and the said

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Fage delivered the Warrant to the Constable, he carried him before the said Mr *Warren*, who rated the said *Fage* for that he did not come to him first, telling him, that he was a factious fellow, and laid him by the heels for two hours, which the said *Fage* is ready to affirm.

Sir *Benjamin Titchburne* Knight and Baronet, Justice of Oyer and Terminer, Justice of Peace, and Deputy Lieutenant, and in Commission for the Subsidue, his wife, children and servants indicted for popish Recusancy.

Sir *Richard Titchburne* Knight, Justice of the Peace, his wife presented the last Sessions for having absented her self from the Church for the space of two moneths.

Sir *Henry Compton* Knight, Deputy Lieutenant, Justice of Peace, and Commissioner for the Sewers; Sir *John Shelly* Knight and Baronet, himself and his Lady Recusants.

Sir *John Gage* Knight and Baronet, a Papist Recusant.

Sir *John Guilfor* Knight, } Their Ladies come not to Church.

Sir *Edward Francis* Knight, }

Sir *Genet Kempe* Knight, some of his children come not to Church.

Edward Gage Esq; a Recusant Papist } Commissioners of the Sewers.

Tho. Middlemore comes not to Church }

James Rolls, *William Scot*, Commissioners of Sewers, both Recusants Papists; *Robert Spiller* comes not to Church.

Sir *Henry Guilford* in Commission for Piracies, and for the Sewers, and *John Thatcher* Esquire, Commissioner for the Sewers, they are either persons convicted or justly suspected.

Sir *Richard Sandford* Knight, *Richard Brewhwait* Esquire, *Gawen Brewhwait* Esquire, their wives are Recusants.

Sir *William Ambrey* Knight, Justice of Peace, a Recusant,

Rees Williams a Justice of Peace, his wife a convict Recusant, and his children Popishly bred, as is informed.

Sir *John Coney* Knight a Justice of Peace, and Deputy Lieutenant, his wife a Popish Recusant.

Morgan Toyle Esquire, Justice of Peace, his wife presented for not coming to Church, but whether she is a Popish Recusant is not known.

John Warren Captain of the Trained-band, one of his sons suspected to be Popishly affected.

Wherefore they humbly beseech your Majesty not to suffer your loving Subjects to continue any longer discouraged by the apparent sence of that increase both in number and power, which by the favor and countenance of such like ill-affected Governours accreth to the Popish Party; but that according to your own wisdom, goodness and piety (whereof they rest assured) you will be graciously pleased to command that Answer of your Majesties to be effectually observed, and the Parties above named, and all such others to be put out of such Commissions and Places of Authority wherein they now are in your Majesties Realm of England, contrary to the Acts and Law of State in that behalf.

A Committee was appointed to prepare an Answer to his Majesties Letter, which was ingrossed and allowed of, but the Copy thereof we cannot finde; yet the Substance was delivered by the Speaker Sir *Henage Finch*, in these words.

Most

Most gracious and dread Sovereign,

The Commons Answer to his Majesties Letter by the Speaker

A “According to that liberty of access, and liberty of speech which
“your Majesty and your Royal Progenitors have ever vouch-
“safed to your House of Commons, your Majesties most hum-
“ble and Loyal Subjects, the Commons now assembled in Parliament
“have been Suitors for this access to your Royal Throne.

B “And out of their consideration of the nature, and of the weight
“and importance of the business, they have thought the attendance of
“the whole house with their Speaker, not too solemn; and yet they
“have not thought fit barely to commit those words, which express their
“thoughts, to the trust of any mans Speech, but are bold to present
“them in writing to your gracious hands, that they may not vanish, but
“be more lasting then the most powerfull words of a more able Speaker
“like to be.

“I have much to read, and shall therefore, as little as I can, weary
“your Majesty with Speeches.

C “This Parchment contains two things, the one by way of Declara-
“tion, to give your Majesty an accompt and humble satisfaction of their
“clear and sincere endeavors and intentions in your Majesties service;
“and the other an humble Petition to your Majesty for the removal of
“that great person the Duke of *Buckingham* from access to your Royal
“presence.

“For the first, They beseech your most excellent Majesty to be-
“leeve, that no earthly thing is so dear and precious to them, as that
“your Majesty should retain them in your grace and good opinion; and
“it is a grief to them beyond my expression, that any misinformation, or
“misinterpretation should at any time render their words or proceedings
“offensive to your Majesty.

D “It is not proper for any to hear the Eccho of a voice, that hears
“not the voice; and if Eccho's be sometimes heard to double and re-
“double, the Eccho of the Eccho is still fainter, and sounds not lower.

“I need not make the Application, words misreported, though by
“an Eccho, or but an Eccho of an Eccho, at a third or fourth hand,
“have oft a lower sound then the voice it self, and may sound disloyalty,
“though the voice had nothing undutifull, or illoyal in it.

E “Such misinformations they fear have begot those interruptions and
“diversions which have delayed the ripening and expediting of those
“great Counsels which concern your Majesties important service, and
“have enforced this Declaration.

“I pass from that to the Petition in which my purpose is not to urge
“those Reasons which your Majesty may hear expressed in their own
“words in the language of the people.

“I am onely directed to offer to your great wisdom and deep judge-
“ment, that this petition of theirs is such as may stand with your Majesties
“honor and justice to grant.

F “Your Majesty hath been pleased to give many Royal Testimonies
“and Arguments to the world how good and gracious a Master you are;
“and that which the Queen of *Sheba* once said to the wisest King, may
“without flattery be said to your Majesty,

Happy are those Servants which stand continually before you.

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“ But the Relations by which your Majesty stands in a gracious aspect towards your people, do far transcend, and are more prevalent and binding, then any relation of a Master towards a Servant; and to hear and satisfie the just and necessary desires of your people, is more honorable, then any expression of grace to a servant.

“ To be a Master of a Servant is communicable to many of your Subjects; to be a King of people, is Regal, and incommunicable to Subjects.

“ Your Majesty is truly stiled with that name which the greatest Emperors, though they borrowed names and titles from those Countries which they gained by conquest, most delighted in, *Pater Patriæ*; and desires of children are preferred before those of servants, and the servant abideth not in the house for ever, but the son abideth ever.

“ The Government of a King was truly termed by your Royal Father, a Politick Marriage between him and his People; and I may safely say, there was never a better union between a married Pair, then is between your Majesty and your People.

Afterwards the Commons made what haste they could to perfect a Remonstrance or Declaration against the Duke, and concerning Tonage and Poundage taken by the King since the death of his Father, without consent in Parliament, which was no sooner finished, but they had intimation the King would that day dissolve the Parliament; whereupon they ordered every Member of the House to have a Copy of the Remonstrance.

And at the same time the Lords prepared this ensuing Petition to stay his purpose in dissolving the Parliament.

May it please your Excellent Majesty,

WE your faithfull and loyal Subjects the Peers of this Kingdom, having received this morning a Message from your Majesty, intimating an intention to dissolve this Parliament; remembryng that we are your Majesties hereditary great Council of the Kingdom, do conceive that we cannot deserbe your Majesties gracious opinion expressed in this Message unto us, nor discharge our duty to God, your Majesty and our Country, if after expression of our great and universal sorrow, we did not humbly offer our loyal and faithfull advice to continue this Parliament, by which those great and apparent dangers at home and abroad signified to us by your Majesties command, may be prevented, and your Majesty made happy in the duty and love of your people, which we hold the greatest Safety and Treasury of a King; for the effecting whereof our humble and faithfull endeavor shall never be wanting.

The Lords sent the Vicount Mandevile Earl of Manchester Lord President of his Majesties Council, the Earl of Pembroke, the Earl of Carlile, and the Earl of Holland to intreat his Majesty to give audience to the whole House of Peers. But the King returned Answer, That his Resolution was to hear no motion to that purpose, but he would dissolve the Parliament; and immediately caused a Commission to pass under the Great-Seal to that purpose, *in hac verba*.

CAROLUS Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor, &c. Reverendissimo in Christo Patri & fideli Consiliario nostro Georgio Archiepisc. Cantuar. totius Angliæ Primati & Metropolitano: Ac per dilecto & fideli Consiliar. nostro Thome Coventry militi, Dom. Custod. Magni Sigilli nostri Angliæ: Ac etiam Reverendiss. in Christo Patri Tobie Archiep. Ebor. Angliæ Primati & Metropolitano: Nec non charissimis Consanguineis & Consiliariis nostris Jacobo Comiti Marlborough, Thesaurario nostro Angliæ; Henrico Comiti Manchester, Dom. Presidenti Consilii nostri; Edwardo Comiti Wigorn. Custod. Privati Sigilli nostri; Georgio Duci Buckingham, Magno Admirallo nostro Angliæ; Willielmo Comiti Pembroke, Camerario Hospitii nostri: Ac etiam charissimo Consanguineo nostro Edwardo Comiti Dorset; nec non charissimo & Consiliar. nostro Philippo Comiti Montgomery; charissimoque Consanguineo nostro Willielmo Comiti Northampton, Presidenti Consilii nostri infra Principalitatem & Marchias Walliæ; ac chariss. Consanguineo & Consiliar. nostro Jacobo Comiti Carlol. Nec non charissimis Consanguineis nostris Johanni Comiti de Clare, Thome Comiti Cleveland, Edmundo Comiti de Mulgrave: Nec non charissimo Consanguineo & Consiliar. nostro Georgio Comiti de Totnes; charissimoque Consanguineo nostro Henrico Vicecomiti Rochford: Ac etiam Reverendis in Christo Patribus Georgio Episcopo London, Richardo Episc. Dunelm. Reverendoque in Christo Patri & fideli Consiliar. nostro Lanceloto Episc. Winton. Nec non Reverendis in Christo Patribus, Samueli Episc. Norwicen. Willielmo Episc. Meneven. Ac per dilecto & fideli Consiliario nostro Edwardo Dom. Conway, uni primorum Secretarium nostrum, Ac etiam per dilecto & fideli nostro Samueli Dom. Scroop Presidenti Consilii nostri in partibus Borealibus; per dilecto & fideli Consiliar. nostro Fulconi Dom. Brook, Salutem.

Cum nuper pro quibusdam arduis & urgentibus negotiis, Nos statum & defensionem Regni nostri Angliæ & Ecclesiæ Anglicanæ concernentibus, præsens hoc Parliamentum nostrum apud Civitatem nostram Westmonasterii sexto die Februar. Anno Regni nostri primo inchoari & teneri ordinaverimus, à quo die idem Parliamentum nostrum usque ad & instantem decimum quintum diem Junii continuatum fuerat: Sciatis quod nos pro certis urgentibus causis & considerationibus nos specialiter moventibus, idem Parliamentum nostrum hoc instanti decimo quinto die Junii duximus dissolvendum. De fidelitate igitur, prudentia & circumspeditione vestris plurimum confidentes, de aversamento & assensu Consilii nostri assignavimus vos Commissionarios nostros, dantes vobis & aliquibus tribus vel pluribus vestrum tenore præsentium, plenam potestatem & auctoritatem hoc instanti decimo quinto die Junii ad dictum Parliamentum nostrum nomine nostro plenarie dissolvendum; & ideo vobis mandamus quod vos, vel aliqui tres vel plures vestrum, idem Parliamentum nostrum hoc instante decimo quinto die Junii, virtute harum Literarum nostrum patent. plenarie dissolvatis & determinetis. Et ideo vobis mandamus quod præmissa diligenter intendatis, ac ea in forma prædicta effectualiter expleatis & exequamini. Damus autem universis & singulis Archiepiscopis, Ducibus, Marchionibus, Comitibus, Vicecomitibus, Episcopis, Baronibus, Militibus, Civibus & Burgensibus, ac omnibus aliis quorum interest ad dictum Parliamentum nostrum conveniturum, tenore præsentium firmiter in mandat. quod vobis in præmissis faciend. agend. & exequend. pariant, obediant, & intendant in omnibus prout decet. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. decimo quinto die Junii, Anno Regni nostri secundo.

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This Commission being read, and the Commons present, the Parliament was dissolved on the Fifteenth day of *June* 1626.

The intended Remonstrance was as followeth,

Most Gracious Sovereign,

W E your loyal and faithful Subjects the Commons assembled by your Majesties most Royal authority in this present Parliament, having with all dutiful affection from the time of our first meeting earnestly endeavored to proceed speedily in those affairs that might best and soonest conduce to our dispatch of the intended supply of your Majesties great designs, to the enlargement of your support, and to the enabling of our selves and them whom we represent, to the full and timely performance of the same; have notwithstanding by reason of divers informations, interruptions, and other preventions been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties thus to declare both those interruptions and preventions, with the true original and continual cause of them, as also our most earnest devotion of the Parliamentary service of your most excellent Majesty, and of the careful safety and defence of your Dominions, Crown and Dignity: And we most humbly therefore beseech your most excellent Majesty to be graciously pleased here to cast your eye on some particulars, that have relation as well to your first Parliament, as to this; out of which we cannot doubt but that your great Goodness may receive an ample satisfaction touching our most loyal and faithful intentions.

In the first Parliament of the first Year of your Majesties most happy Reign over us, the Commons then assembled, after they had cheerfully presented to your Majesty as the first-fruits of their affections Two entire Subsidies, were exceedingly pressed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply: which when he conceived would not be there effected, he procured for the same ends from your Majesty an Adjournment of the Parliament to the City of Oxford; where the Commons then taking into just consideration the greatest mischiefs which this Kingdom variously hath suffered, and that chiefly by reason of the exorbitant power and frequent misdoings of the said Duke, were entering into a Parliamentary course of examination of those mischiefs, power, and misdoings: But no sooner was there any mention made of his Name to this purpose, but that he fearing lest his Actions might so have been too much laid open to the view of your most excellent Majesty, and to the just Censure that might then have followed, presently through his misinformations to your Majesty of the intentions of your said Commons (as we have just cause to believe) procured a dissolution of the said Parliament: And afterwards also in the same year, through divers misreports made to your Majesty in his behalf touching some Members of the said Commons, who had more particularly drawn his Name into just question, and justly protested themselves averse to his ends there, procured (as we cannot but conceive) the said Members to be made the Sheriffs of several Counties for this year

year that followed, to the end that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have therein questioned him; and by the like practice also (as we are perswaded) he procured soon after the said dissolution another * Member of the said House, because he had justly professed himself against his Ends, to be sent as Secretary of your Majesties last Fleet, hereby indeed to punish him by such drawing him from his practice of the Law, which was his Profession, under colour of an honorable Imployment.

It pleased your Majesty afterwards in February last, to call this present Parliament, wherein (though none of those whom the said Duke had so procured to be made high Sheriffs) have sit as Members; yet we finding in our selves the like affection, first to the Service of your Majesty, and next to the good of the Commonwealth, we took into serious Consideration several Propositions, how for the safety and happiness of your Majesties Kingdoms and Allies, we might enlarge your Supports, add to the Military Strength without charge to the poorer sort of your Subjects, and give a larger Supply to your Majesty for your instant and pressing occasions, then hath ever yet but once been given in Parliament: Whereupon for the enabling of our selves and those whom we represent, we conceive it first necessary to search into the Causes of those Mischiefs, which this your Kingdom suffereth, and divers of the Grievances that overburthen your Subjects; without doing of which we could neither be faithful to your Majesty, nor to the Country that doth trust and employ us, as your Royal Father also of blessed memory admonished the House of Commons in the fourth Session of his first Parliament. In this consideration we found that the most pressing and comprehensive Mischiefe and Grievance that we suffered, was fundamentally settled in the vast power and enormous Actions of the said Duke, being such, that by reason of his plurality of Offices, all gotten by ambition, and some for money, expressly against the Lawes of your Realm; his breach of Trust, in not guarding the Seas; his high injustice in the Admiralty; his extortion; his delibering over the Ships of this Kingdom into the hands of a foreign Prince; his procuring of the compulsoy buying of honor for his own gain; his unexampled exhausting of the Treasures and Revenues of the Kingdom; his transcendent presumption of that unhappy applying of Privick to your Royal Father of blessed memory, few dayes before his death, and some other his Offences carefully and maturely examined by us, we made a Parliamentary Charge of the same matters and offences against him, to the Lords by your Majesty assembled in Parliament, there expecting some remedy by a speedy proceeding against him; but, may it please your most excellent Majesty, not onely during the tune of our examination of the matters and offences of the same Charge, we were diversly interrupted, and diverted, by Messages procured through misinformation from your Majesty, which with most humble duty and reverence we did ever receive, whence it first fell out, that so not onely much time was spent amongst us, before the same Charge was perfected, but also within two dayes next after the same Charge was transmitted by us to the Lords: Upon untrue and malicious misinformations privately and against the Priviledge of Parliaments, given to your Majesty of certain words supposed

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supposed to have been spoken by Sir Dudley Digs and Sir John Elliot Knights, two of the Members of our House, in their service of the transmitting of the said Charge, both of them having been especially employed in the Chairs of Committees with us, about the examination of the said matters and offences, they were both by your Majesties command committed to close imprisonment in the Tower of London, and their Lodgings presently searched, and their papers there found presently taken away; by reason whereof, not onely our known Priviledges of Parliament were infringed, but we our selves that upon full hope of speedy course of Justice against the said Duke were preparing with all dutifull affection to proceed to the dispatch of the Supply, and other Services to your Majesty, were wholly, as the Course and Priviledge of Parliament bindes us, diverted for divers dayes, to the taking onely into consideration some Courses for the ratifying and preservation of the Priviledges so infringed, and we think it our duties, most gracious Soberaign, most rightly to inform hereby your most excellent Majesty of the Course held in the Commitment of the two Members: For whereas by your Majesties Warrant to your Messengers for the arresting of them, you were pleased to command, that they should repair to their Lodgings. And there take them; Your Majesties principal Secretary the Lord Conway gave the said Messengers, (as they affirmed) an expresse command, contrary to the said Warrants, that they should not go to their Lodgings, but to the House of Commons, and there take them; and if they found them not there, they should stay until they were come into the House, and apprehend them wheresoever else they should finde them. Which besides that it is contrary to your Majesties command, is an apparent Testimony of some mischievous intention there had against the whole House of Commons, and against the service intended to your Majesty. All which, with the several interruptions that preceded it, and the misinformation that hath caused all of them, we cannot doubt but that they were wrought and procured by the Duke to his own behoof, and for his advantage, especially because the said Interruptions have through misinformation come amongst us, onely at such times wherein we have had the matters and offences charged against him in agitation; but your Majesty out of your great goodness and justice being afterwards informed truely of our Priviledge, and the demerit of the Cause that concerned our said two Members, graciously commanded the delivery of them out of the Tower, for which we render unto your Majesty most humble thanks; and were then again by reason of our hopes of the dispatch of proceedings with the Lords, upon our Charge against him said the Duke, in a cheerfull purpose to go on with the matter of Supply, and other services to your Majesty, when again these hopes failed in us, by reason of some new exorbitancies now lately shewed in the exercise of his so great power and ambition; for by such his power and ambition, notwithstanding our Declaration against him for his so great plurality of Offices, he also procured to himself, by the solicitation of his Agents, and of such as depended upon him, the Office of Chancelloz of the Universtity of Cambridge; whereas the same Universtity having two Burgesses in Parliament, did by the same Burgesses a few weeks before, consent with us in the Charge against him for his ambition for procuring

A curing such a plurality of Offices; such was his ambition to sue for it, such was his power to make them give it him contrary to what themselves had agreed in Parliament with all the Commons of England. And he procured also the same Office by the special labors and endeavors (as we are informed) of a Factionous party, who adhereth to that dangerous Innovation of Religion, published in the seditious Writings of one Richard Montague Clerk; of whom it is thence also, and heretofore upon other reasons it hath been conceived, that the said Duke is, and long hath been an Abettor and Protector.

B These Actions of the said Duke have thus among us hindered the service of your Majesty, by reason both of the interruptions that have so necessarily accompanied them, and of the prevention of our cheerfulness, which otherwise had long since been most effectually shewed in us, that have nothing else in our cares next to our duty to God, but the loyal service of your Majesty, the safety of your Kingdom, and the subsistence of our selves and those whom we represent, for the continuance of that service and safety: Which we cannot hope for, and we beseech your most excellent Majesty graciously to receive this our humble and free protestation, That we cannot hope for it, so long as we thus suffer under the pressures of the power and ambition of the said Duke, and the divers and false Informations so given to your Majesty on his behalf and for his advantage; especially when we observe also that in such his greatness he preventeth the giving of true Information to your Majesty in all things that may any ways reflect on his own misdoings, to shew unto your Majesty the true state of your Subjects and Kingdoms, otherwise then as it may be represented for his own ends. And to that purpose also hath he procured so many persons depending on him, either by alliance or advancement, to places of eminencie near your Sacred person. Through his misinformations of that kind also, and power, we have seen to our great grief, both in the time of your Majesties Royal father of blessed memory, and of your Majesty, divers Officers of the Kingdom so often by him displaced and altered, that within these few years past, since the beginning of his greatness, more such displacings and alterations have by his means happened, then in many years before them: Neither was there in the time of your Royal father of blessed memory any such Course held, before it was by the practice of the said Duke thus induced. And since that time divers Officers of the Crown, not only in this your Kingdom of England, but also in Ireland, as they have been made friends or adverse to the said Duke, have been either so commended, or misrepresented by him to his Sovereign, and by his procurement so placed, or displaced, that he hath always herein, as much as in him lay, made his own ends and advantage the measure of the good or ill of your Majesties Kingdoms.

E But now at length, may it please your most excellent Majesty, we have received from the Lords a Copy of the said Dukes Answer to our Charge transmitted against him; whereunto we shall presently in such sort reply, according to the Laws of Parliament, that unless his power and practice again undermine our proceedings, we do not doubt but we shall upon the same have Judgment against him.

F In the times also (most gracious Sovereign) of these Interruptions which came amongst us, by reason of the procurement of two

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two of our Members committed, A gracious Message was formerly received from your Majesty, wherein you had been pleased to let us know, That if you had not a timely Supply, your Majesty would betake your self to New Counsels: which we cannot doubt were intended by your most excellent Majesty to be such as stood with Justice and the Laws of this Realm. But these words New Counsels were remembred in a Speech made amongst us by one of your Majesties Privy-Council, and lately a Member of us, who in the same Speech told us, He had often thought of those words New Counsels; That in his consideration of them, he remembred that there were such kinds of Parliaments antiently among other Nations, as are now in England; That in England he saw the Country-people live in happiness and plenty, but in these other Nations he saw them poore both in persons and habit; or to that effect: Which state and condition happened (as he said) to them, where such New Counsels were taken, as that the use of their Parliaments ended.

This intimation, may it please your Majesty, was such as also gave us just cause to fear there were some ill Ministers near your Majesty, that in behalf of the said Duke, and together with him, who is so strangely powerful, were so much against the Parliamentary Course of this Kingdom, as they might perhaps advise your most excellent Majesty such New Counsels as these, that fell under the memory and consideration of that Privy-Counsellor. And one especial reason among others hath increased that fear amongst us, For that whereas the Subsidies of Tonnage and Poundage, which determined upon the death of your most Royal Father our late Sovereign, and were never payable to any of your Majesties Ancestors but only by a special Act of Parliament, and ought not to be levied without such an Act, yet ever since the beginning of your Majesties happy Reign over us, the said Subsidies have been levied by some of your Majesties ministers, as if they were still due; although also one Parliament hath been since then begun, and dissolved by procurement of the said Duke, as is before shewed, wherein no Act passed for the same Subsidies. Which example is so much against the constant use of former times, and the known Right and Liberty of your Subjects, that it is an apparent effect of some new Counsels given against the antient settled Course of Government of this your Majesties Kingdom, and chiefly against the Right of your Commons, as if there might be any Subsidy, Tax or Aid levied upon them, without their consent in Parliament, or contrary to the settled Laws of this Kingdom. But if any such do so ill an office, as by the misrepresentation of the state and right of your Majesties loyal Subjects, advise any such new Counsels as the levying of any Aid, Tax or Subsidy among your people, contrary to the settled Laws of your Kingdom, We cannot, most gracious Sovereign, but esteem them that so shall advise, not only as Wipers, but Pests to their King and Commonwealth, (as all such were to both Houses of Parliament expressly styled by your most Royal Father) but also Capital Enemies as well to your Crown and Dignity, as to the Commonwealth. And we shall for our parts in Parliament shew, as occasion shall require, and be ready to declare their offences of this kind, such as that may be rewarded with the highest punishment as your Laws inflict on any Offenders.

These

These, and some of these things, amongst many other, (Most gracious Sovereign) are those which have so much prevented a right understanding betwixt your Majesty and us, and which have possessed the hearts of your people and loyal Commons with unspeakable sorrow and grief, finding apparently all humble and hearty endeavours misinterpreted, hindered, and now at last almost frustrated utterly, by the interposition of the excessive and abusive power of one man; Against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which in Parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof, but also because we apprehend him of so unbridled Ambition, and so adverse to the good and tranquillity of the Church and State, that we verily believe him to be an Enemy to both: And therefore, unless we would betray our own duties to your Majesty, and those for whom we are trusted, We cannot but express our infinite grief, that he should have so great power and interest in your Princely affections, and under your Majesty wholly in a manner to engross to himself the administration of your Affairs of the Kingdom, which by that means is drawn into a Condition most miserable and hazardous.

Give us then leave, most dear Sovereign, in the name of all the Commons of this your Kingdom, prostrate at the feet of your Sacred Majesty, most humbly to beseech you, even for the Honor of Almighty God, whose Religion is directly undermined by the practice of that Party whom this Duke supports; For your Honor, which will be much advanced in the relieving of your people in this their great and general grievance; For the honor, safety and welfare of your Kingdom, which by this means is threatened with almost unavoidable dangers; And for the love which your Majesty as a good and loving father bears unto your good people, to whom we profess in the presence of Almighty God (the Searcher of all hearts) you are as highly esteemed and beloved as ever any of your Predecessors were, That you would be graciously pleased to remove this Person from access to your sacred presence, and that you will not ballance this one man with all these things, and with the Affairs of the Christian world, which do all suffer so far as they have relation to this Kingdom, chiefly by his means. For we protest to your Majesty, and to the whole world, That until this Great person be removed from intermeddling with the Great Affairs of State, we are out of hope of any good success; and do fear that any money we shall or can give, will through his misemployment be turned rather to the hurt and prejudice of this your Kingdom, then otherwise, as by lamentable experience we have found in those large Supplies we have formerly and lately given.

But no sooner shall we receive redress and relief in this, (which of all others is our most insupportable grievance) but we shall forthwith proceed to accomplish your Majesties own desire, for Supply; and likewise with all cheerfulness apply our selves to the perfecting of divers other great things, such as we think no one Parliament in any Age can parallel, tending to the stability, wealth, and strength, and honor of this your Kingdom, and the support of your Friends and Allies abroad: And we doubt not but

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through Gods blessing, as you are the best, so shall you ever be the best beloved, and greatest Monarch that ever sat in the Royal Throne of this famous Kingdom.

The Grounds and Causes which the King held forth for dissolving of this, and the former Parliament, appear in the ensuing Declaration.

The Kings Declaration of the Causes of assembling and dissolving the two last Parliaments.

The Kings most Excellent Majesty, since his happy access to the Imperial Crown of this Realm, having by his Royal Authority summoned and assembled two several Parliaments; the first whereof was in August last by Adjournment held at Oxford, and there dissolved; and the other begun in February last, and continued until the fifteenth day of this present month of June, and then to the unspeakable grief of himself, and (as he believeth) of all his good and well-affected Subjects, dissolved also: Although he well knoweth that the Calling, Adjourning, Proroguing, and Dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself by an undoubted Prerogative inseparably united to his Imperial Crown; of which, as of his other Regal actions, he is not bound to give an Account to any but to God only, whose immediate Lieutenant and Vicegerent he is in these his Realms and Dominions by the Divine providence committed to his charge and government: Yet forasmuch as by the assistance of the Almighty, his purpose is, so to order himself, and all his Actions, especially the great and publick Actions of State, concerning the weal of his Kingdoms, as may justify themselves not only to his own Conscience, and to his own People, but to the whole World; His Majesty hath thought it fit and necessary, as the Affairs now stand both at home and abroad, to make a true, plain & clear Declaration of the Causes which moved his Majesty to assemble, and after enforced him to dissolve these Parliaments; That so the mouth of malice it self may be stopped, and the doubts and fears of his own good Subjects at home, and of his friends and Allies abroad may be satisfied, and the deserved blame of so unhappy Accidents may justly light upon the Authors thereof.

When his Majesty by the death of his dear and Royal Father of ever blessed memory first came to the Crown, he found himself engaged in a War with a potent Enemy; not undertaken rashly, nor without just and honorable grounds, but enforced for the necessary defence of himself and his Dominions, for the support of his friends and Allies, for the redeeming of the ancient Honor of this Nation, for the recovering of the Patrimony of his dear Sister, her Consort, and their Children, injuriously and under colour of Treaties and Friendship taken from them, and for the maintenance of the true Religion, and invited therunto and encouraged therein by the humble Advice of both the Houses of Parliament, and by their large promises and protestations to his late Majesty, to give him full and real assistance in those Enterprises which were of so great importance to this Realm, and to the general peace and safety of all his friends and Allies: But when his Majesty entred into a view of his

Treasure,

Treasure, he found how ill provided he was to proceed effectually with so great an Action, unless he might be assured to receive such Supplies from his loving Subjects, as might enable him to manage the same.

Whereupon his Majesty being willing to tread in the steps of his Royal Progenitors, for the making of good and wholesome Laws for the better Government of his people, for the right understanding of their true Grievances, and for the Supply of monies to be employed for those publick services, he did resolve to summon a Parliament with all convenient speed he might; And finding a former Parliament already called in the life of his Father, he was desirous for the the speedier dispatch of his weighty affairs, and gaining of time, to have continued the same without any alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law, for that it had been subject to question in Law, which he desired to avoid. But as soon as possibly he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his people that those (who not long before had with some importunity won his Father to break off his former Treaties with Spain, and to effect it had used the mediation of his now Majesty being then Prince, and a Member of the Parliament, and had promised in Parliament their uttermost assistance for the enabling of his late Majesty to undergo the War which they then foresaw might follow) would assuredly have performed it to his now Majesty, and would not have suffered him in his first Enterprize of so great an expectation, to have run the least hazard through their defaults.

This Parliament (after some Adjournment (by reason of his Majesties unavoidable occasions interpoling) being assembled on the Eighteenth day of June, It is true, that his Commons in Parliament taking into their due and serious Consideration the manifold Occasions which at his first entry did press his Majesty, and his most important Affairs which both at home and abroad were then in action, did with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal Subjects devoted to his service, present his Majesty with the free and cheerful gift of two entire Subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entered into the consideration of his great affairs wherein he was imbarqued, and from which he could not without much dishonour and disadvantage withdraw his hand, he found that this sum of money was much short of that which of necessity must be presently expended for the setting forward of those great Actions, which by advice of his Council he had undertaken, and were that Summer to be pursued. This his Majesty imparted to his Commons house of Parliament, but before the same could receive that debate and due consideration which was fit, the fearful Visitation of the Plague in and about the Cities of London and Westminster, where the Lords and the principal Gentlemen of quality of his whole Kingdom were for the time of this their service lodged and abiding, did so much increase, that his Majesty, without extreme peril to the lives of his good Subjects, which were dear unto him, could not continue the Parliament any longer in that place.

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His Majesty therefore on the eleventh day of July then following, adjourned the Parliament from Westminster, until the first day of August then following, at the City of Oxford. And his Highness was so careful to accommodate his Lords and Commons there, that as he made choice of that place being then the freest of all others from the danger of that grievous Sicknes, so he there fitted the Parliament-men with all things convenient for their entertainment: And his Majesty himself being in his own heart sincere and free from all Ends upon his people, which the Searcher of hearts best knoweth, he little expected that any misconstruction of his actions would have been made, as he there found. But when the Parliament had been a while assembled, and his Majesties affairs opened unto them, and a further Supply desired, as necessity required, he found them so slow, and so full of delays and diversions in their Resolutions, that before any thing could be determined, the fearful Contagion daily increased and was dispersed into all the parts of this Kingdom, and came home even to their doors where they assembled. His Majesty therefore rather preferred the safety of his people from that present and visible danger, then the providing for that which was more remote, but no less dangerous to the State of this Kingdom, and of the affairs of that part of Christendom which then were, and yet are in friendship and alliance with his Majesty. And thereupon his Majesty not being then able to discern when it might please God to stay his hand of Visitation, nor what place might be more secure then other at a time convenient for their re-assembling, his Majesty dissolved that Parliament.

That Parliament being now ended, his Majesty did not therewith cast off his Royal care of his great and important affairs; but by the advice of his Privy-Council, and of his Council of War, he continued his preparations, and former resolutions; And therein not only expended those monies which by the two Subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion as he found the state of his Exchequer at his first entrance, but added much more of his own, as by his credit, and the credit of some of his servants he was able to compass the same. At last, by much disadvantage, by the retarding of provisions and uncertainty of the means, his Navy was prepared and set to Sea, and the Designs unto which they were sent and specially directed, were so probable and so well advised, that had they not miscarried in the execution, His Majesty is well assured they would have given good satisfaction not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of Hosts, and unto whose providence and good pleasure his Majesty doth and shall submit himself and all his endeavors, not to give that success which was desired: And yet were those Attempts not altogether so fruitless as the envy of the Times hath apprehended, the Enemy receiving thereby no small loss, nor our party no little advantage. And it would much avail to further his Majesties great affairs, and the Peace of Christendom, which ought to be the true end of all Hostility, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended, and as in the judgment of all men conversant in Actions of this nature, were fit not to have been neglected.

These

These things being thus acted, and God of his infinite goodness beyond expectation allwaging the rage of the Pestilence, and in a manner of a suddain restoring health and safety to the Cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons to meet in Parliament; His Majesty in the depth of winter, no sooner desiered the probability of a safe assembling of his people, and in his princely wisdom and providence foresaw, that if the opportunity of seasons should be omitted, preparations both defensive and offensive could not be made in such sort as was requisite for their common safety, but he advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the State, and by the Council and advice of the Lords and Commons in Parliament, who are the Representative body of the whole Kingdom, and the great Council of the Realm, might proceed in these enterprises and be enabled thereunto, which concern the common good, safety and honor both of Prince and people; and accordingly the sixth of February last, a new Parliament was begun. At the first meeting his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making of good Laws, which are the ordinary Subject for a Parliament.

His Majesty believing that they could not have suffered many days, much less many weeks to have passed by, before the apprehension and care of the common safety of this Kingdom, and the true Religion professed and maintained therein, and of our friends and Allies, who must prosper, or suffer with us, would have led them to a due and a timely consideration of all the means which might best conduce to those ends; which the Lords of the Higher-House, by a Committee of that House did timely and seasonably consider of, and invited the Commons to a Conference concerning that great business: At which Conference there were opened unto them, the great occasions which pressed his Majesty; which making no impression with them, his Majesty did, first by Message, and after by Letters, put the House of Commons in minde of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

The Commons House after this, upon the 27 of March last, with one unanimous consent at first agreed to give unto his Majesty three intire Subsidies, and three fifteens for a present supply unto him, and upon the 26 of April after, upon second Cogitations they added a fourth Subsidy, and ordered the dayes of payment for them all, whereof the first should have been on the last day of this present June. Upon this, the King of Denmark and other Princes and States being engaged with his Majesty in this common Cause, his Majesty fitted his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens, and hastened on the Lords Committees, and his Council at War, to perfect their Resolutions for the ordering and settling of his designs, which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their Councils, but want of money to put things into action. His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year passing away, and having intelligence not onely from

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from his own Ministers and Subjects in Forrein parts, but from all parts of Christendom, of the great and powerfull preparations of the King of Spain, and that his design was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worst consequence) He acquainted the House of Commons therewith, and laid open unto them truly and clearly, how the state of things then stood, and yet stand, and at severall times, and upon severall occasions reiterated the same: But that House being abused by the violent and ill-advised passions of a few Members of the House, for private and personal ends ill-beseeming publick persons, trusted by their Country, as then they were, not onely neglected, but wilfully refused to hearken to all the gentle admonitions which his Majesty could give them, and neither did nor would intend any thing but the prosecution of one of the Peers of this Realm, and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his Majesty allowed they were not therewith content, but in their intemperate passions, and desires to seek for Errors in another, fell into a greater Error themselves, and not onely neglected to give just satisfaction to his Majesty in severall Cases which happened concerning his Regality, but wholly forgot their engagements to his Majesty for the publick defence of the Realm; whereupon his Majesty wrote the forementioned Letter to the Speaker, dated the ninth day of June 1626.

Notwithstanding which Letter read in the House, being a clear and gracious Manifest of his Majesties Resolutions, they never so much as admitted one Reading to the Bill of Subsidies, but instead thereof they prepared and voted a Remonstrance or Declaration, which they intended to prefer to his Majesty, containing (though palliated with glossing terms) aswel many dishonorable aspersions upon his Majesty, and upon the sacred memory of his deceased father, as also dilatory excuses for their not proceeding with the Subsidies, adding thereto also coloured conditions crossing thereby his Majesties direction, which his Majesty understanding, and esteeming (as he had cause) to be a denial of the promised Supply, and finding that no admonitions could move, no reasons or persuasions could prevail when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, when they esteemed all gracious Messages unto them to be but interruptions: His Majesty upon mature advisement discerning that all further patience would prove fruitless, on the fifteenth day of this present moneth he hath dissolved this unhappy Parliament: The acting whereof, as it was to his Majesty an unexpressible grief, so the memory thereof doth renew the hearty sorrow which all his good and well affected Subjects will compassionate with him.

These passages his Majesty hath at the more length and with the true Circumstances thereof expressed and published to the world, least that which hath been unfortunate in it self, through the malice of the Author of so great a mischief, and the malevolent report of such as are ill affected to this State, or the true Religion here professed, or the fears or jealousies of Friends and durifull Subjects, might be made more unfortunate in the consequences of it, which may be of worse effect

effect then at the first can be well apprehended; and his Majesty being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true Religion professed in the Church of England, and to free it from the open contagion of Popery, and secret infection of Schism, of both which by his publick Acts and Actions he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely; and constantly to proceed in the due execution of either; and observing the subtilty of the adverse party, he cannot but believe that the hand of Joab hath been in this disaster, that the common Incendiaries of Christendom have subtilly and secretly insinuated those things which unhappily (and as his Majesty hopeth, beyond the intentions of the Actors) have caused these divisions and distractions: And yet notwithstanding, his most excellent Majesty, for the comfort of his good and well-affecting Subjects, in whose loves he both repose himself with confidence, and esteemeth it as his greatest riches; for the assuring of his Friends and Allies, with whom, by Gods assistance, he will not break in the substance of what he hath undertaken; for the discouraging of his Adversaries, and the Adversaries of his Cause, and of his Dominions, and Religion, hath put on this resolution, which he doth hereby publish to all the world, That as God hath made him King of this great people, and large Dominions, famous in former ages both by Land and Sea, and trusted him to be a Father and Protector both of their Persons and Fortunes, and a Defender of the Faith, and true Religion; so he will go on cheerfully and constantly in the defence thereof, and (notwithstanding so many difficulties and discouragements) will take his Scepter and Sword into his hand, and not expose the persons of the people committed to his charge, to the insatiable desires of the King of Spain, who hath long thirsted after an Universal Monarchy, nor their Consciences to the yoke of the Pope of Rome: And that at home he will take that care to redress the just grievances of his good Subjects, as shall be every way fit for a good King.

And in the mean time his Majesty doth publish this to all his loving Subjects, that they may know what to think with truth, and speak with duty, of his Majesties actions and proceedings in these two last dissolved Parliaments.

Given at his Majesties Palace at Whitehall this Thirtieth day of June, in the second year of his Majesties Reign of Great-Britain, France and Ireland.

Moreover the King published a Proclamation, taking notice of a Remonstrance drawn by a Committee of the late Commons House, and by them intended to have been presented to him, wherein he said are many things contained to the dishonor of himself, and his Royal Father of blessed memory, and whereby through the sides of a Peer of this Realm they wound their Sovereigns honor; as also that some Members of that House ill-affecting to his service, to vent their own passions against that Peer, and to prepossess the world with an ill opinion of him, before his Cause were heard in a Judicial way, have beforehand scattered Copies of that

The King takes notice of the intended Remonstrance in a Proclamation.

An. 1626. that intended Declaration, thereby to detract from their Sovereign. Wherefore his Majesty for the suppressing of this insufferable wrong to himself, doth command upon pain of his indignation and high displeasure, all persons of whatsoever quality, who have, or shall have hereafter any Copies or Notes of the said Remonstrance, or shall come to the view thereof, forthwith to burn the same, that the memory thereof may be utterly abolished, and may never give occasion to his Majesty to renew the remembrance of that, which out of his grace and goodness he would gladly forget. A

Another Proclamation against preaching or disputing the Arminian Controversies, pro or con.

In another Proclamation the King declaring his Religious care of the Peace of this Church and Commonwealth of *England*, and other his Dominions, and taking notice that in all ages great disturbances both to Church and State, have ensued out of small beginnings, when the seeds of contention were not timely prevented; and finding that of late some Questions and Opinions seem to have been broached in matters of Doctrine and Tenents of our Religion, at first onely intended against Papists, have afterwards by the sharp and indiscreet handling of some of either party, given much offence to the sober and well grounded Readers, and raised some hopes in the Roman Catholicks, that by degrees the Professors of our Religion may be drawn first to Schism, and afterwards to plain Popery. His Majesty in the integrity of his own heart, and singular providence for the peaceable Government of that people, which God hath committed to his charge, hath thought fit, by the advice of his reverend Bishops, to declare and publish, not onely to his own people, but also to the whole world, his utter dislike of all those, who to shew the subtilty of their Wits, or to please their own humors, or vent their own passions, shall adventure to start any new opinions, not onely contrary to, but differing from the sound and Orthodox grounds, of true Religion, established in the Church of *England*; and also to declare his full and constant resolution, that neither in Doctrine nor Discipline of the Church, nor in the Government of the State, he will admit of the least innovation, but by Gods assistance will so guide the Scepter of these Kingdoms, as shall be most for the comfort and assurance of his sober, religious and well-affected Subjects, and for the repressing and severe punishing of the insolencies of such, as out of any sinister respects, or disaffection to his Majesties Person or Government, shall dare either in Church or State, to disturbe the Peace thereof; wherefore he doth straitly charge and command all his Subjects of his Realms of *England* and *Ireland*, of what degree soever, especially those who are Church-men, from hence-forth to carry themselves so wisely, warily and conscionably, that neither by Writing, Preaching, Printing, Conferences, or otherwise they raise, publish or maintain any other Opinions concerning Religion, then such as are clearly warranted by the Doctrine, and Discipline of the Church of *England*, established by Authority. And enjoyneth his reverend Archbishops and Bishops in their severall Diocesses speedily to reclaim and repress all such spirits, as shall in the least degree attempt to violate this bond of Peace; And all the Ministers of Justice were required to execute his Majesties pious, and royal pleasure herein expressed; and if any shall take the boldness to neglect this gracious Admonition, his Majesty will proceed against such offenders with that severity, as their contempt shall deserve, that by their exemplary punishment others may be warned, and that those that be studious of the peace and prosperity of this Church, and B
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Commonwealth, may bless God for his Majesties pious, religious, wise, just and gracious Government.

2 Caroli.

The effects of this Proclamation how equally soever intended, became the stopping of the *Puritans* Mouths, and an uncontrouled Liberty to the Tongues and Pens of the *Arminian* party.

A Shortly after an Information was preferred by the Kings special command in the *Star-Chamber*, against the Duke of *Buckingham*, for high Offences and Misdemeanors; wherein he was charged (amongst other things) with the particulars mentioned in the last Article exhibited against him, by the House of Commons, concerning the Plaister applied to King *James*. To which, the Duke put in his Answer, and divers Witnesses were examined. But the cause came not to a judicial hearing in the Court, as it is afterwards expressed.

The King commands an Information to be preferred against the Duke in *Star-Chamber*.

B And now the King taking into consideration the present streights and inconveniencies, into which the Revenue of the Crown was fallen; and the pressing necessity of his Affairs, did by the advice and instance of his Council, resolve and declare, That all men of what quality and condition soever, shall from henceforth upon pain of his displeasure, forbear for two years space to present or sollicite any Suit for any thing prohibited in the Book of *Bounty*, published in King *James* his time, or any other things that shall import the Diminution of his Majesties Revenue.

The King forbids to sollicite any Suit prohibited in the Book of *Bounty*.

C And for the advancement of the said Revenue arising by Customs, Subsidies, and Imposts upon all Goods and Merchandizes exported and imported.

The Privy Council declared, That it hath been constantly continued for many ages, and is a principal and most necessary part of the Revenue of the Crown, and that in the two last Parliaments it hath been thought upon, but could not be settled by their Authority by reason of their dissolution, before the matters therein treated could be brought to perfection: Nevertheless, that it was then intended to have been confirmed by Parliament, as it hath been from time to time by many Descents and Ages.

The Council order all Customs to be paid.

E Whereupon they Ordered, That all such Duties and Merchandizes shall be levied and paid: And they advised the King, That the Attorney General prepare for his Majesties Signature, an Instrument which may pass under the Great Seal of *England*, to declare his pleasure therein, until by Parliament, as in former times, it may receive an absolute settlement: Which passed the Great Seal accordingly.

F The Forfeitures arising to the Crown by the execution of the Laws against Priests, Jesuites, and Popish Recusants, were dedicated to the vast and growing charge of the Designs in hand. And Complaint being made against Inferior Officers, whose service was herein employed, that they had misdemeaned themselves, to the oppressing of Recusants, without advantage to the King. Commissioners of honorable Quality were appointed for the regulating of these proceedings, yet no Liberty given to the encouragement or countenance of such dangerous persons, as might infect the People, or trouble the Peace of Church and State.

And Forfeitures arising from Recusants.

The King therefore Grants a Commission under the Great Seal, directed to the most Reverend Father in God, *Toby*, Archbishop of *York*, Sir *Fohn Savile* Knight, Sir *George Manners*, Sir *Henry Slingsby*, Sir

A Commission to compound with Recusants.

An. 1626. *William Ellis* Knights, and to divers other Knights and Gentlemen, and therein recites,

That his Majesty hath received credible Information of the great Iols and Damages which the Kings Subjects living in Maritime Towns, especially in the Northern parts, do suffer by Depredations, attempts, and assaults at Sea from Foreign Enemies, whereby Trade from those parts are interrupted, and the City of London much endangered for want of Coals and other Commodities, usually transported thither from Newcastle upon Tyne: For redress of which evil, his Majesty doth think fit to appropriate and convert all such Debts, sums of Money, Rents, Penalties, and Forfeitures of all Recusants inhabiting in the Counties of York, Durham, Northumberland, Cumberland, Westmorland, Lancaster, Nottingham, Derby, Stafford, and Chester, which at any time have grown due since the Tenth year of King James, and are not yet satisfied, or which hereafter shall grow due by reason of any Law or Statute against Recusants, to be employed for the maintenance, provision, arming, manning, victualling, and furnishing of Six able Ships of War for guarding and defending the Coast of this Realm, from the furthest North-East point of the Sea, unto the mouth of the River of Thames. His Majesty further expressing in the said Commission, That his Subjects who are owners of Coal-Pits, the Oast-men of Newcastle upon Tyne, Owners of Ships, and Merchants, Buyers and Sellers of Newcastle Coals, have been and are willing to contribute and pay for every Chaldron for the uses aforesaid. Wherefore his Majesty upon the considerations before-mentioned, doth by his said Commission give power unto the said Commissioners, or any four or more of them to treat and make Composition and Agreement with the said Recusants, inhabiting within the said Counties, for Leases of all their Manors, Lands, Tenements, &c. within those Counties for any term of years, not exceeding One and forty years; and for all Forfeitures due since the Tenth year of King James for their Recusancy, in not going to Church to hear Divine Service, according to the Laws and Statutes of this Realm, under such Condition and Immunities, as they or any four of them shall see meet and convenient, according to such Instructions as his Majesty hath or shall give for that purpose; his Majesty rather desiring their Conversion then Destruction. And such Leases his Majesty doth declare, made to the said Recusants themselves, or to any persons for their use, shall be good and effectual, any Law or Statute to the contrary notwithstanding.

And by the said Commission Sir *John Savile* was appointed Receiver of all such sums of Money as shall be paid upon these Leases; and Mr. *Alexander Davison* of the Town of Newcastle upon Tyne, Merchant Adventurer, was appointed to receive out of the voluntary and free-wil Contribution of the Owners, Buyers, and Sellers of Coals, the Six pence per Chaldron of Coals. In pursuance of this Commission, the Recusants did make their Composition upon very easie terms, as was afterwards complained of in Parliament.

A Proclamation was published, declaring the Kings Resolution to make his Revenue certain, by granting his Lands, as well holden by Copy, as otherwise, to be holden in Fee-farm.

A Proclamation to make the Kings Revenue certain.

To the Nobles, the King sent particularly to let them know, That according to the Presidents of former times, wherein the Kings and Queens of *England*, upon such extraordinary occasions, have had recourse to those Contributions which arose from the Subjects in general, or to the private helps of some that were well affected; he doth now expect from them such a large and chearful testimony of their Loyalty, as may be acceptable to himself, and exemplary to his people.

2 *Caroli.*

The King sends to the Nobles to lend him liberally.

A His Majesty demanded of the City of *London* the Loan of an Hundred thousand pounds. But the peoples excuses were represented to the Council Table by the Magistrates of the City: Immediately the Council sent a very strict command to the Lord Major and Aldermen, wherein they set forth the Enemies strong preparations as ready for an Invasion, and the Kings great necessities, together with his gracious and moderate Proposals in the sum required, and the frivolous pretences upon which they excuse themselves: Wherefore they require them, all excuses being set apart, to enter into the business again, and to manage the same, as appertaineth to Magistrates so highly intrusted, and in a time of such necessities, and to return to his Majesty a direct and speedy Answer, that he may know how far he may rely upon their Faith and Duty; or in default thereof, may frame his Counsels as appertaineth to a King in such extream and important occasions.

He demands of the City, the Loan of One hundred thousand pounds.

C Moreover, a peculiar charge was laid upon the several Ports and Maritime Counties to furnish and set out Ships for the present service. The Privy Council expressing his Majesties care and providence to guard his own Coasts, against attempts from *Spain* or *Flanders*, by arming as well the Ships of his Subjects, as of his own Navy, made a distribution to every Port, that with the Assistance and Contribution of the Counties adjoining, they prepare so many Ships as were appointed to them severally; and in particular the City of *London* was appointed to set forth Twenty of the best Ships that lay in the River, with all manner of Tackle, Sea-stores, and Ammunition, Manned and Victualled for Three Moneths.

The Port Towns are to furnish Ships.

D The Deputy Lieutenants, and Justices of the Peace of *Dorset*, having received the Kings Commandment for the setting forth of Ships from the Ports of *Pool*, *Weymouth*, and *Lime*, with the assistance of Contribution from the Counties adjoining, presented to the Council Table an excuse in the behalf both of the Ports and County, and pleaded, That the Case was without President.

The Ports of *Dorsetshire* send an excuse.

E The Council gave them a check, for that instead of Conformity they disputed the Case, letting them know, That State occasions, and the defence of the Kingdom in times of extraordinary danger, were not to be guided by ordinary Presidents.

F In like manner the Lord Major and Commonalty of *London* petitioned the Council for an Abatement of the Twenty Ships rated upon them, unto Ten Ships and two Pinnaces, alleading disability; whereunto the Council gave this following Answer, That the former Commandment was necessary, the preservation of the State requiring it; and that the charge imposed on them was moderate, as not exceeding the value of many of their private estates: That Petitions and Pleadings to this Command, tend to the danger and prejudice of the Commonwealth, and are not to be received: That as the Commandment was given to all in general, and every particular of the City; so the State will require an accompt both of the City in general, and of every particular.

The City of *London* desire an Abatement of their Ships. Are checkt by the Council.

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And whereas they mention Presidents, they might know, that the Presidents of former times, were Obedience, not Direction; and that Presidents were not wanting for the punishment of those that disobey his Majesties Commands, signified by that Board, which they hope shall have no occasion to let them more particularly understand.

Hereupon the Citizens were glad to submit, and declared their consent to the Kings Demands, and by Petition to the Council had the favor to nominate all the Officers of those Twenty Ships, the Captains onely excepted, the nomination of whom appertained to the Lord High Admiral of *England*.

Privy Seals
issued out.

Then there were likewise issued forth Privy Seals to several persons, to others the way of Benevolence was proposed.

And because the late Parliament resolved to have given the King Four Subsidies and Three Fifteens, the sums which the King required, were according to that proportion. And to prevent misunderstandings, it was declared unto the Countrey, That the Supplies now demanded were not the Subsidies and Fifteens intended to be given by the Parliament, but meerly a free gift from the Subject to the Sovereign, upon such weighty and pressing occasions of State.

The Justices of Peace in the several Counties were directed by the Privy Council to send for persons able to give, and to deal with them singly, by using the most prevailing perswasions.

A Fast observed.

Amidst these Preparations, the Kingdom being exposed to dangers, both Foreign and Domestick; a general Fast was observed on the Fifth of *July*, in the Cities of *London* and *Westminster*, and places adjacent; and on the Second of *August* throughout the Kingdom, to implore a blessing upon the endeavors of the State, and the diverting of those judgments which the sins of the Land deserve and threaten.

Commissions
to Deputy
Lieutenants to
Mustre, Try,
and Array
men.

And for the defence of this Realm, threatned with a powerful Invasion, extraordinary Commissions were given to the Lords Lieutenants of the several Counties, to Mustre the Subjects of whatsoever degree or dignity, that were apt for War, and to try and array them, and cause them to be armed according to their degrees and faculties, as well Men of Arms as other Horfmen, Archers and Footmen, and to lead them against publick Enemies, Rebels, and Traytors, and their adherents, within the Counties of their Lieutenantcy, to repress, slay, and subdue them, and to execute Martial Law, sparing and putting to death according to discretion.

And in case of Invasions, Insurrections, Rebellions, and Riots, without the limits of their respective Counties, to repair to the places of such Commotions, and as need required to repress them by battel, or any forcible means, or otherwise either by the Law of this Realm, or the Law Martial.

Inhabitants
withdrawn
from Ports
and Sea
Towns, requi-
red to return.

In like manner, lest the deserting of the Coasts, Ports, and Sea Towns, should expose those places to become a prey, and invite the Enemy to an Invasion, the Inhabitants and those that had withdrawn themselves to Inland places, were required to return with their Families, and Retinues, and there to abide during those times of Hostility and Danger.

Ships sent to
the River of
Elbe.

And for securing of the Coasts from *Spain* or *Flanders*, some of the Kings Ships were employed in the River *Elbe*, to prevent the furnishing of *Spain* from those parts with materials for shipping, which occasioned a great discontent in those of *Hamburgh*; for that their Neighbors

of

of *Lubeck*, and other Towns of the East Sea, were free from this restraint, insomuch that they resolved to force their passage by a Fleet of Fifty or threescore sail of Ships.

2 Caroli.

A Whereupon the Lord Admiral informed the Council, that his Majesties charge at *Hamburg* was expended to little purpose, except also the *Sound* could be shut up against all shipping that should carry prohibited Commodities, especially since the *Hamburgers* send their Commodities by Land to *Lubeck*, to be transported from thence into *Spain*; and that the States, and the King of *Denmark* Ships are departed from the *Elbe*, and have left the English alone.

Moreover the King prepared a Royal Fleet, which was now at *Portsmouth*, ready to put to Sea under the command of the Lord *Willoughby*, and given out to be designed for *Barbary*.

A Fleet prepared.

B The King of *Denmark* having put forth a Declaration of the Causes and Grounds wherefore he took up Arms against the Emperor, declared one cause thereof to be,

The King of *Denmark*'s Declaration why he takes up Arms against the Emperor.

C **F**Orasmuch as the Elector Palatine by the procurement of the King of Great Britain, and him the King of Denmark had offered his Submission to his Imperial Majesty, and to crave Pardon; and thereupon was in hopes to have his Patrimony with the Dignities of his Ancestors restored: Yet notwithstanding the Emperor did still commit great spoiles and acts of hostility in his Countrey, giving no regard to the said Submission, and had much damaged the Lower Saxony by the Forces which he had brought thither under *Tilly*.

Whereupon (he sayes) the Princes of the Lower Saxony have desired the aid and assistance of him the King of Denmark, to settle the Peace and Liberty of Germany, who was resolved to take up Arms, and with whom he was resolved for to joyn, having the like assurance from the King of Great Britain, who had deeply engaged to assist in this War, for the restitution of the Elector Palatine.

D Therefore the King of Denmark declares, That seeing all Prayers, Mediations, and Accessions cannot prevail with his Imperial Majesty, he will endeavor to procure a peace and settlement by force, which he should have been glad would have been ordained unto him upon fair terms of Treaty.

E In the beginning of the year, divers Towns were taken by the King of Denmark, and some retaken by *Tilly*, but the Seven and twentieth of *August* decided the Controversie; on which day, the King of Denmark upon the approach of *Tilly*, (desiring to decline battel with the Emperors old Soldiers, many of his own men being new levied Soldiers) endeavored to make his retreat; but *Tilly* followed so close his Rear-guard, that he kept them in continual action, till the King of Denmark saw no remedy, but that he must either fight, or lose the Rear of his Army and Train of Artillery. Whereupon his Commanders advised him to resolve of a place of advantage, and face about, and give battel; which accordingly they did, and both Armies drew up near *Luttern*; the Denmark Forces had the advantage of the Ground, *Tilly* being much scanted in the Rear of his Army, for want of ground to place his Reserves in. The *Dane* stood to the shock a while, but was presently put to his Retreat, and all his Infantry dispersed, Train of Artillery taken, and Two and twenty peeces of Cannon. He lost many great Commanders in the fight, and many were taken prisoners.

A Battel between the Dane and the Emperor.

An. 1626.

The overthrow of the King of Denmark, an Inducement to the raising of Moneys by Loan.

A Declaration concerning Loan-Money.

Private Instructions to the Commissioners for the general Loan.

In the Moneth of *September*, the King being informed of the disaster that had befallen his Uncle (and principally also) the King of *Denmark*, whose engagement was chiefly for the cause of the Elector *Palatine*, commanded his Council to advise by what means and ways he might fitly and speedily be furnished with moneys suitable to the importance of the undertaking.

Hereupon, after a Consultation of divers days together, they came to this Resolution, That the urgency of Affairs not admitting the way of Parliament, the most speedy, equal, and convenient means were by a general Loan from the Subject, according as every man was assessed in the Rolls of the last Subsidy. A

Upon which Result, the King forthwith chose Commissioners for the Loan, and caused a Declaration to be published, wherein he alledged for this course of Supply, the Reasons set down at large in his late Declaration touching the Dissolution of the Parliament. Adding further, That the urgency of the occasion would not give leave to the calling of a Parliament, but assuring the People that this way should not be made a President for the time to come, to charge them or their Posterity to the prejudice of their just and antient Liberties enjoyed under his most Noble Progenitors; endeavoring thereby to root out of their mindes the suspicion that he intended to serve himself of such ways, to the abolishing of Parliaments: And promising them in the word of a Prince, first, To repay all such sums of Money as should be lent without Fee or Charge, so soon as he shall in any ways be enabled thereunto, upon shewing forth the Acquittance of the Collectors, testifying the Receipt thereof. And secondly, That not one penny so borrowed, should be bestowed or expended but upon those Publick and General Services, wherein every of them, and the Body of the Kingdom, their Wives, Children, and Posterity, have their Personal and common Interest. B

Private Instructions were given to the Commissioners, how to behave themselves in this Negotiation. C

As first, That they should themselves, for a good example to others, lend unto his Majesty the several sums of money required of them, testifying it by their names, with their own hands, That when they shall in his Majesties name require others to lend, they may discern the said Commissioners forwardness. D

Secondly, To take for their guide those Rates at which men were assessed in the Book of the last Subsidy, and to require the Loan of so much money, as the entire rate and value comes to, at which they are rated, and set; as (namely) he that is set at a Hundred pounds in Goods, to lend a Hundred marks; and he that is set at a Hundred pounds in Land, to lend a Hundred pounds in money; and so *per rata* for a greater or lesser sum. E

Thirdly, To use all possible endeavors to cause every man willingly and chearfully to lend, opening unto them the necessity and unavoidableness of this course, the Honor and Reputation of the Nation, the true Religion, and common safety of Prince and People, of our Friends and Allies engaged in the common Cause; that there is no time now of disputing, but of acting. F

Fourthly, That they appoint the days of payment to be within Fourteen days, and perswade such as shall be able, to pay it at one entire payment, the better to accommodate his Majesties occasion, otherwise to accept of the one half at Fourteen days, and the other

to be paid before the Twentieth of *December*, now next coming.

A Fifthly, That they Treat apart with every one of those that are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary. And if any shall refuse to lend, and shall make delays, or excuses, and persist in their obstinacy, That they examine such persons upon Oath, whether they have been dealt withal to deny, or refuse to lend, or to make an excuse for not lending? Who hath dealt so with him, and what speeches or persuasions he or they have used to him, tending to that purpose? And that they shall also charge every such person in his Majesties name, upon his Allegiance, not to disclose to any other what his Answer was.

B Sixthly, That they shew their discretion and affections by making choice of such to begin with, who are likely to give the best examples; and when they have a competent number of hands to the Roll or List of the Leaders, that they shew the same to others to lead them in like manner.

C Seventhly, That they endeavor to discover, whether any publickly, or underhand, be workers or persuaders of others to dissent from, or dislike of this course, or hinder the good disposition of others. And that, as much as they may, they hinder all discourse about it, and certify to the Privy Council in writing the names, qualities, and dwelling places of all such refractory persons with all speed, and especially if they shall discover any Combination or Confederacy against these proceedings.

D Eightly, That they let all men know whom it may concern, that his Majesty is well pleased upon lending these sums required, to remit all that which by Letters in his name was desired upon the late Benevolence for free Grant; and what ever hath been already paid upon that account, shall be accepted for part of this Loan; and if it exceed the sum desired, that the overplus shall be repaid without Fee or Charge; so likewise for Privy Seals, if any have been already paid: But if not, that the agreeing of the Loan of the sum required, be excused of the payment of the Privy Seal.

Ninthly, That they admit of no Suit to be made, or Reasons to be given for the abating of any sum, the time and instant occasion not admitting any such dispute, which would but disturb and protract the Sheriff.

E Lastly, The Commissioners were required and commanded upon their Faith and Allegiance to his Majesty, to keep secret to themselves, and not to impart or disclose these Instructions to others.

To the Imposition of Loan, was added, The burthen of Billeting of Soldiers formerly returned from *Cadiz*, and the Moneys to discharge their Quarters were for the present levied upon the Countrey, to be repaid out of sums collected upon the general Loan.

Billeting of Soldiers.

F The Companies were scattered here and there in the Bowels of the Kingdom, and governed by Martial Law: The King gave Commissions to the Lords Lieutenants and their Deputies, in case of Felonies, Robberies, Murders, Outrages, or Misdemeanors, committed by Mariners, Soldiers, or other disorderly persons joyning with them, to proceed according to certain Instructions, to the Tryal, Judgment, and Execution of such Offenders, as in time of War; and some were executed by those Commissions.

Commissions for Martial Law.

Nevertheless,

An. 1626.

The Lords to
advance the
Loan.

Sir *Randolph
Crew* removed
from his place
for not fur-
thering the
Loan.

Informations
sent to the
Council Table
against the Bi-
shop of Lin-
coln.

The Bishop
refuses to pro-
ceed *Ex Officio*
against the
Puritans.

* Meaning the
Petition a-
gainst Recu-
sants at Ox-
ford.

Nevertheless, the Soldiers brake out into great disorders; they mastered the people, disturbed the peace of Families, and the Civil Government of the Land; there were frequent Robberies, Burglaries, Rapes, Rapines, Murthers, and Barbarous Cruelties: Unto some places they were sent for a punishment; and where ever they came, there was a general outcry. The High-ways were dangerous, and the Markets unfrequented; they were a terror to all, and an undoing to many.

Divers Lords of the Council were appointed to repair into their severall Countreys, for the advancement of the Loan, and were ordered to carry a List of the names, as well of the Nobility and Privy Counsellors, as of the Judges, and Serjeants at Law, that had subscribed to lend, or sent in money for the Publick service, to be a Patern and leading Example to the whole Nation. But Sir *Randolph Crew* shewing no zeal for the advancing thereof, was then removed from his place of Lord Chief Justice, and Sir *Nicholas Hide* succeeded in his room: A person, who for his parts and abilities, was thought worthy of that preferment, yet nevertheless came to the same with a prejudice, coming in the place of one so well beloved, and so suddenly removed; but more especially by reason the Duke appeared in his advancement, to express a grateful Acknowledgment to that Knight, for the care and pains he took in drawing the Dukes Answer to the Impeachment in Parliament against him.

This business of the Loan occasioned a Complaint to the Lords of the Council, against the Bishop of *Lincoln*, for publicly speaking words concerning it, which was conceived to be against the King and Government.

Whereupon Sir *John Lamb*, and Dr. *Sibthorpe*, informed the Council to this purpose, That many were grieved to see the Bishop of *Lincoln* give place to unconformable Ministers, when he turned his back to those that were contormable; and how the *Puritans* ruled all with him, and that divers *Puritans* in *Leicestershire* being Convented, his Lordship would not admit proceedings to be had against them.

That Dr. *Sibthorpe* being desired to stay at *Leicester* this year, as Commissary for the High Commission there, the Countrey being much over-spread with *Puritanism*, Sir *John Lamb* and the said Doctor, did inform the Bishop of *Lincoln*, then at *Bugden*, what Factious *Puritans* there were in the County, who would not come up to the Table to receive the Communion kneeling; and that there were unlawful Fast and Meetings kept in the County; and one Fast that held from nine in the Forenoon, till eight at night; and that Collections for moneys were made without Authority, upon pretence for the *Palatinate*: And therefore they desired leave from the Bishop to proceed against those *Puritans Ex Officio*. The said Bishop replied, He would not meddle against the *Puritans*, for his part he expected not another Bishoprick; they might complain of them, if they would, to the Council Table; for he was under a Cloud already, and he had the Duke of *Buckingham* for his Enemy; and he would not draw the *Puritans* upon him, for he was sure they would carry all things at last: Besides, he said, the King in the First year of his Reign, had given Answer to a Petition of the Lower House, in favor of the *Puritans* *.

It appeared also by the Information of others who were present at the Conference at *Bugden*, That Sir *John Lamb*, and Dr. *Sibthorpe*, did notwithstanding the Bishops aversness, again press the Bishop to proceed

against

A against the *Puritans* in *Leicestershire*; the Bishop then asked them what manner of people they were, and of what condition? For his part he knew of none. To which Sir *John Lamb* replied (Dr. *Sibthorpe* being present) That they seem to the World to be such as would not Swear, Whore, nor Drink, but yet would Lie, Cozen, and Deceive: That they would frequently hear two Sermons a day, and repeat the same again too; and afterwards pray, and sometimes fast all day long. Then the Bishop asked, whether those places where those *Puritans* were, did lend money freely upon the Collection of the Loan? To which Sir *John Lamb* and Dr. *Sibthorpe* replied, That they did generally resolve to lend freely: Then said the Bishop, no man of discretion can say, That that place is a place of *Puritans*: For my part (said the Bishop) I am not satisfied to give way to proceedings against them. At which Dr. *Sibthorpe* was much discontented, and said, He was troubled to see that the Church was no better regarded.

2 Caroli.

*Puritans de-
scribed by Sir
John Lamb.*

B These Informations being transmitted to the Council Table, were ordered to be sealed up and committed to the Custody of Mr. *Trumbal*, one of the Clerks of the Council; nevertheless, the Bishop of *Lincoln* used such means as he got a Copy of them.

Information
in *Star-Cham-
ber* against the
Bishop of *Lin-
coln*.

For which, and some other matters, an Information was afterwards preferred against him in the *Star-Chamber*. Of which more at large, when we come in our next Volume to treat of the great and high proceedings of that Court.

C Bishop *Laud*, not long before this Passage with the Bishop of *Lincoln*, was informed, That the Bishop of *Lincoln* endeavored to be reconciled to the Duke; and that night that he was so informed, he dreamed, That the Bishop of *Lincoln* came with Iron Chains, but returned freed from them: That he leaped upon a Horse, departed, and he could not overtake him.

Bishop *Laud*
his Dream.

D The Interpretation of this Dream may (not unfitly) be thus applied. His Chains might signifie the imprisonment of the Bishop of *Lincoln* afterwards in the *Tower*; his returning free, to his being set at Liberty again at the meeting of the Parliament; his leaping on Horse-back, and departing; to his going into *Wales*, and there commanding a Troop in the Parliaments Service; and that Bishop *Laud* could not overtake him, might portend that himself should become a Prisoner in the same place, and be rendred thereby incapable to follow, much less to overtake him.

The interpre-
tation there-
of.

E At this time the King had Six thousand Foot Soldiers in the Service of the *United Provinces*, under the Command of Sir *Charls Morgan*, Sir *Edward Herbert*, Sir *John Burlacy*, Sir *James Leviston*, &c. for the assistance of the States, against the increating power of *Spinola*. Upon the present occasion, these Forces were called off from the States services, to joyn with the King of *Denmark*, under the Command of Sir *Charls Morgan*, against the common enemy, the King of *Spain*, and his adherents.

Six thousand
English in the
Service of the
*United Pro-
vinces*.

F Some few moneths after, One thousand three hundred foot more were imbarqued at *Hull*, to be transported by Captain *Conisly* to the Town of *Stoad* in *Germany*, and there to be delivered over to the charge of the aforesaid Sir *Charls Morgan*, General of the English Forces in the service of the King of *Denmark*; a person of known Valor, and fit for conduct of an Army.

Sir *Charls
Morgan* Gene-
ral of the
English for-
ces.

An. 1627.

Some do refuse the Loan, though others offered to lend the refusers money, so they would but subscribe.

They are ordered to be pressed for Soldiers.

The Refusers to lend were severely dealt with.

But the Assesment of the general Loan did not pass currantly with the people; for divers persons refused to subscribe their names, and to lend after the rate propounded; and among others, certain of the Parish of *Clement Danes*, the *Savoy*, the *Dutchy*, and other parts within the Liberties of *Westminster*, who first alledged poverty: Whereunto reply was made, That if they would but subscribe, their ability should be enquired off before any thing were levied upon them; and in case they were found unable, they should be discharged, notwithstanding what they had under written; and unto some of them, the money demanded, was proffered to be given them: Nevertheless, they afterwards absolutely refused to subscribe their names, or to say, they were willing to lend, if able. Whereupon the Council directed their Warrant to the Commissioners of the Navy, to impress these men to serve in the Ships ready to go out in his Majesties service.

The Non-Subscribers of higher Rank and Rate, in all the Counties, were bound over by Recognisance, to tender their appearance at the Council Table, and performed the same accordingly, and divers of them were committed to prison; but the common sort to appear in the Military-Yard near *St. Martins* in the *Fields*, before the Lieutenant of the Tower of *London*, by him to be there inrolled, among the Companies of Soldiers; that they who refused to assit with their Purfes, should serve in their Persons for the common Defence.

The same Loan being demanded of the Societies and Inns of Court, the Benchers of *Lincolns Inn* received a Letter of Reproof, from the Lords of the Council, for neglecting to advance the Service in their Society, and to return the names of such as were refractory.

An. 1627.
Dr. Sibthorpes
Sermon concerning the
Loan.

And for the advancement of the said Loan, Doctor *Sibthorpe* now publishes in Print, a Sermon Preached by him at *Northampton*, February the Two and twentieth, One thousand six hundred twenty and six, at *Lent* Assizes, entituled, *Apostolick Obedience*. This Book was Licenced by the Bishop of *London*, who did approve thereof, as a Sermon learnedly and discreetly Preached. It was dedicated to the King, and expressed to be the Doctors Meditations, which he first conceived upon his Majesties Instructions unto all the Bishops of this Kingdom, fit to be put in execution, agreeable to the necessity of the times; and afterwards brought forth upon his Majesties Commission, for the raising of moneys by way of Loan.

His Text was *Romans 13. 7. Render therefore to all their dues.* Among other passages he had this, *And seriously consider, how as Jeroboam took the opportunity of the breach betwixt Rehoboam and his Subjects, to bring Idolatry into Israel: So the Papists lie at wait, if they could finde a Rent between our Sovereign and his Subjects (which the Lord forbid) to reduce Superstition into England. I speak no more then what I have heard from themselves, whilst I have observed their forwardness to offer double according to an Act of Parliament so providing, yea, to profess, That they would depart with the half of their Goods. And how, or why can this forwardness be in them, but in hope to cast the imputation of frowardness upon us? and so to seem (that which the Jesuite will not suffer them to be) loving and loyal Subjects.*

Also the said Sermon holds forth, *That the Prince who is the Head, and makes his Court and Council, it is his duty to direct and make Laws, Eccles. 8. 3 and 4. He doth whatsoever pleases him. Where the word of the* King

King is, there is power; and who may say unto him, What doest thou?

3 Caroli.

And in another place, he saith, If Princes command any thing which Subjects may not perform, because it is against the Laws of God, or of Nature, or impossible: Yet Subjects are bound to undergo the punishment, without either resistance, or railing, or reviling, and so to yield a Passive Obedience where they cannot exhibite an active one.

A I know no other case, saith he, but one of those three, wherein a Subject may excuse himself with Passive Obedience, but in all other he is bound to Active Obedience.

It is not our purpose to repeat his Sermon, the Reader may at leisure inform himself more fully by the Printed Copy.

Doctor Roger Manwaring promoted the same business in two Sermons Preached before the King and Court at Whitehal, wherein he delivered for Doctrine to this purpose.

Dr. Manwaring in two Sermons promotes the Loan.

B "That the King is not bound to observe the Laws of the Realm concerning the Subjects Rights and Liberties, but that his Royal Will and Command in imposing Loans and Taxes, without common consent in Parliament, doth oblige the Subjects Conscience upon pain of eternal damnation. That those who refused to pay this Loan, offended against the Law of God, and the Kings Supream Authority, and became guilty of impiety, disloyalty, and Rebellion: And that the Authority of Parliament is not necessary for the raising of Aids, C and Subsidies; and that the slow proceedings of such great Assemblies, were not fitted for the Supply of the States urgent Necessities, but would rather produce sundry impediments to the just designs of Princes.

The Papists at this time were forward and liberal on this occasion, infomuch, that it was said in those times, That in the point of Allegiance then in hand, the Papists were exceeding Orthodox, and the Puritans were the onely Recusants.

D Distastes and Jealousies had for a while been nourished between the Courts of England and France, which seemed to have risen from Disputes and Differences about the Government of the Queens family. By the Articles of Marriage it was agreed, That the Queen should have a certain number of Priests for her Household Chaplains, together with a Bishop who should exercise all Ecclesiastical Jurisdiction in matters of Religion.

Distastes and jealousies between England and France.

E These with other Romish Priests within this Realm, began to practise and teach, That the Pope upon the Marriage Treaty, assumed to himself, or his Delegates, the Jurisdiction of the Queens whole family, especially the Institution and Destitution of the Ecclesiasticks; and that the King of England had no power to intermeddle therein, because he was an Heretick, the Pope threatning to declare those to be Apostates that should seek their establishment from the King. Likewise the Queen insisted to have the ordering of her family, as her self pleased, and the naming of her Officers and Servants; and being therein crossed, did somewhat distaste the King, and unkindness grew between F them.

These things the King represented to his Brother of France, imputing the same to the Crafty and Evil Counsels of her Servants, rather then to her own inclination; And so declared, he could no longer bear with those that were the known causes and fomenters of these disturb-

bances,

An. 1627.

ances, but would presently remove them from about his Wife, if there were nothing more then this, *That they had made her go to Tiborne in devotion to pray there.* Which action (as it was reported, his Majesty said) can have no greater investive made against it, then the bare relation; yet his Majesty acknowledged, That the deportment of some of them, was without offence; but others of them had so much abused his patience, and affronted his Person (reflecting most upon Madam *Saint George*) that he was resolved no longer to endure it.

The French dismissed.

So the King dismissed and sent back into *France* the Queens Retinue of French (first paying all that was due for Wages or Salaries) and gave the King of *France* an account of the action by the Lord *Carlton*, for the preserving of their mutual Correspondency and Brotherly Affection.

Ill resented in France.

But this Dismission was ill resented in *France*, and Audience denied to the Lord *Carlton*, and the matter was aggravated high at the French Court, as a great violation of the Articles of the Marriage.

And those persons who returned into *France* (being for the most part younger-brothers, and had parted with their Portions at home, in expectation of raising their Fortunes in the service of the Queen of *England*) did heighten the discontent.

This jarring with *France*, breaks forth to a publick War, and King *Charles* is at once engaged against Two Great and Mighty Princes.

Private Transactions to engage in a War against France.

It is not our purpose to relate the particulars of those private transactions which were here in *England*, concerning the preparing of a Fleet and Army; nor how the same was managed at first by an Abbot, who had relation to the Duke of *Orleance*, and had been disoblged by Cardinal *Richlien*.

This Man was full of Revenge against the Cardinal, and labored much (and at last effected) the dismissing of the French about the Queen; his chief end therein was, to put an affront upon *Richlien*, and withal to heighten the differences between the Two Crowns of *England* and *France*; to which purpose he remonstrated to the Duke of *Buckingham*, the Commotions and Discontents that were in *France*, and how hardly the Protestants there were treated, notwithstanding the Edict of Peace procured by the Mediation of the King of *Great Britain*.

This Abbots Negotiation with the Duke, procured the sending of *Devic* from the King of *England* to the Duke of *Rhoane*, who was drawn to engage to raise Four thousand Foot, and Two hundred Horse, upon the landing of the English Army in *France*, but not before.

This private transaction was also managed by Mr. *Walter Montague*, but in another capacity: The Duke of *Sobiez* and Monsieur *St. Blanchard*, contributed their endeavors also to hasten the Fleet, and the raising of the Army in *England* against the French, for the relief of those of the Reformed Religion there.

The King of Great Britains Declaration concerning a War with France.

The King declared as a ground of his War with *France*, That the House of *Austria* (conspiring the ruine of all those of the Reformed Religion throughout Christendom, as (he said) plainly appeared in the affairs of *Germany*) had such an influence upon the Council of *France*, as to prevail with them to obstruct the landing of Count *Mansfelds* Army,

Army, contrary to promise, with whom the French should have joyned forces, for the relief of the *Palatinate* and the *German* Princes; which failer of performance in them, proved the ruine of that Army, the greatest part whereof perished, and was by consequence the loss of the whole Protestant Party in *Germany*.

A His Majesty further declared, That having by his Mediation prevailed for a Peace between the French King and his Protestant Subjects, and engaged his word, That the Protestants should observe the Articles of Agreement: Nevertheless, the King of *France* contrary to the said Articles, blocked up their Towns, Garisons, and Forts, and had committed many spoils upon them, when they had done nothing in violation of the Edict of Peace. And that the King of *France* had committed an example of great injustice in full Peace, to seise upon One hundred and twenty English Ships, with all their Merchandise and Artillery; for which Reasons, the King was resolved to send a powerful Army and

B Navy to require satisfaction. The Duke of *Buckingham* was made Admiral of this Fleet, and Commander in chief of the Land forces, and had a Commission to that purpose, wherein it is expressed,

The Duke of
Buckingham
Admiral and
General.

C That his Majesty hath taken into his Princely consideration, the distressed estate of his dear Brother-in-law, and onely Sister, the Prince and Princess Elector *Palatine*, and their Children, and finding himself in Nature and Honor nearly bound unto them; At their request, and for their just Relief, in recovering their rightful Patrimony taken from them, by the Advice of his Privy Council, did the last year, prepare and set out to Sea, a Royal Fleet for Sea-service; for performance of such services, as on his Brother-in-laws and Sisters behalf, his Majesty had designed. And for the doing of those designs, and for the honor and safety of his people, his Majesty hath now prepared a new Fleet, which he intends with all convenient expedition to set out, to be employed as well by way of Offence as of Defence, as shall be most behoveful for his said Brother-in-Law

D his service; and therefore doth by the said Commission appoint the Duke of *Buckingham* to be Admiral, Captain-General, and Governor of his said Royal Fleet, with such Soldiers and Land-forces as shall be conveyed therein, for the accomplishment of such execution and employment as they shall be designed unto, according to such private Instructions as his Majesty shall give unto the said Duke. His Majesty by the said Commission giving to the Duke power to lead and conduct the said Navy and Army, and with them to fight against his said Brother-in-law, and

E Sisters enemies, or the enemies of the Crown of *England*; and to advance to the Order of Knighthood, such persons employed in the Fleet, Forces, and Supplies, as by their Valor, Desert, and good Service in this Expedition shall be thought fit in his the said Dukes discretion to merit the same, and as to the Office of Captain-General doth appertain.

His Commission
on.

F On the Seven and twentieth of *June* the Duke set sail from *Portsmouth*, (in order to the Relief of the *Palatinate*) with the Fleet, consisting of One hundred sail of Ships, whereof Ten were of the Kings Royal Navy, having aboard about Six or seven thousand Land-soldiers; and towards the latter end of *July* he appeared with his Fleet before *Rochel*, who once much longed for their coming, but now shut their Gates at their appearance.

The Duke sets
sail with the
Fleet and
Army.

The Duke
and his
Fleet
before
Rochel.

An. 1627.

Yet call an
Assembly and
heard Sir Wil-
liam Beechers
Message.

The Rochellers
still timorous.

A well affected
party in Ro-
chel.

The Duke
communicates
his design to
Sobiez.

The Duke
lands his Ar-
my at the Isle
of Rhee.

Hereupon the Duke of *Sobiez* went a shore with Sir *William Beecher* from the Duke of *Buckingham*, (Sir *William Beecher* being also accom-
panied with a Letter of Credence from his Majesty of Great Britain) they were at last admitted into the Town; and the Magistrates called an Assembly, and there Sir *William Beecher* declared unto them, That the Duke of *Buckingham* was come with a great Fleet and Army to their assistance, which his Master had sent out of a fellow-feeling of their sufferings, and to require from the King of *France* a performance of the Articles of Peace, made by the King of *Englands* Mediation, on the be-
half of the Protestants in *France*. And further declared unto them, That if they do now refuse to give their assistance, by joyning forces with the English, he said he would, and did protest before God and Man, in the name of the King his Master, That his said Master was fully acquit of his engagement of Honor and Conscience for their Relief.

But notwithstanding this Declaration, and *Sobiez* his earnest solici-
tation and endeavor, The Magistrates and wealthier sort of People in the Town, (being possessed with the fear of the King of *France* his Army, then upon a march against them; and there being a Court party also prevalent in the Town) could be drawn to give no other answer at that time, but this, That they did render all humble and hearty thanks to his Majesty of Great Britain for the care he had of them; and to the Duke, for his forwardness and readiness to do his best service for their good; but said, They were bound by Oath of Union, to do nothing but by the common and unanimous consent of the rest of the Protestant party in *France*: And therefore prayed the King of Great Britain to excuse them, in that they did suspend the Conjunction of Forces, till they had sent to the rest of the Protestant Towns, who were of the Uni-
on with them: And in the mean time, their Prayers and Vows should be for the happy progress of such actions as the Fleet and Army should under-
take.

Notwithstanding this Answer, *Sobiez* had strong assurance from a well-affected party in the Town, That they could and would be able to preserve the same, for the encouragement of the English, and to assist them also with supplies from thence.

When *Sobiez* went from the Fleet into *Rochel*, with Sir *William Beecher*, the Duke of *Buckingham* was pleased to communicate his design to *Sobiez*, by reason of his knowledge of the Countrey, as well as for his interest in that Kingdom, to raise forces; that his full purpose and intention was to land his Army in the Isle of *Oleran*, near unto *Rochel*, and not at the Isle of *Rhee*, being a little further distant: Which *Sobiez* well approved of, as a thing feasible at the first entrance, the forces therein being few, and the Forts weakly manned and victualled; and be-
sides, it was of advantage for the Oyls, Wines, and other Commodi-
ties therein; whereas the Isle of *Rhee* (as he said to the Duke) was fur-
nished with a considerable force, both of Horse and Foot, which would make the landing there very difficult; and besides, they had a Cittadel well fortified to retreat unto.

The Duke not staying for *Sobiez* his return from *Rochel*, alters his resolution, and directs his course to the Isle of *Rhee*, (*Toras* the Gover-
nor thereof having before taken the alarm by the sight of the Fleet at Sea) marches with his forces to impede their landing, but maugre their opposition, and the Fort *La Prie*. Sir *John Burroughs*, Sir *Alexander Bret*, Sir *Charles Rich*, together with Monsieur *St. Branchard*, and other
brave

A

B

C

D

E

F

brave Commanders land first ashore, and after them about Twelve hundred men, who were presently encountred with the French horse and foot, and a sore fight happened thereupon, being a long time well maintained on both sides, and many Commanders fell, both of the English and French, few of the English were unwounded; but at last the English forced their way, the enemy was constrained to retreat, and to permit the whole Army to land.

3 Caroli.

A sore fight at the landing

A In this combate Monsieur *St. Blanchard* was slain, whose loss was much lamented by the Protestant party in *France*, Sir *William Heyden*, and some hundreds of the English were slain. The foot which engaged on both sides were much equal in number, but in horse the French had a great advantage.

The Army stays five days after the fight.

B The Victory was not pursued by a speedy march after *Toras*, who retreated to his Cittadel at *St. Martins* with his wounded men; for five days time was spent before the Army moved, whereby *Toras* got not onely time to encourage his men to hold out, (being much discomfited at this fight) but to get in assistance of Men and provision of Victuals out of the Island into the Cittadel, which he improved to great advantage.

C The Fort *La Prie*, near unto the landing place, and meanly Victualled and Manned, was all this while the Army staid, neglected, omitted, or contemned, as inconsiderable; the gaining whereof (as was said) would have secured a retreat for the English, and impeded the landing of the French (during the siege) of the Fort at *St. Martins*.

A Fort neglected to be taken in.

D This landing of the English was a great astonishment in the Court of *France*; and if the taking of the Fort had immediately followed, there would have appeared a great change of Affairs; for the King fell sick about the same time, and great discontent there was at Court, and the King sent his Resolution, to give the Protestants honorable terms, if they will not joyn with the English; sent to the Duke of *Rhoan* to content him with money, and other proffers, and renders the landing of the English to other Protestant Towns to be a thing not to be complied withal.

The French astonished at the landing of the English.

E The Duke in two days march came with his Army before *St. Martins*, and published a *Manifesto*, justifying his Masters taking up of Arms against the King of *France*, declaring (amongst other Reasons) as one cause thereof, the Frenches employing of the English Ships against *Rochel* contrary to promise, and lodgeth his Army at the Burgh of *St. Martins*, at *Rhee*, which (upon the approach of the Duke) the enemy quit, and retreated into the City, and quit a Well which was about thirty paces from their Counterskarf; which being not at first coming of the Army, made totally unserviceable to the enemy, they presently drew a work unto it, and so secured the same for their use; by which they subsisted, during all the time of the siege.

The Duke comes before the Fort at *St. Martins*.

F The Duke blocks up the Cittadel, draws his forces round about it in order to a close siege, and disposes his Fleet so, as to hinder Relief by Sea, and resolves to take it by Famine, upon presumption (and as the truth was) that they were not provided with Victuals in the Cittadel for a long siege, and being Master at Sea, he might in short time be Master of the Cittadel.

Blocks up the Cittadel.

But

An. 1627.

Gentlemen se-
cured and
confined for
refusing to
part with
money upon
the Loan.

But whilst the Duke employs his time in drawing a Line of Circumvallation, and raising of Bulwarks and Batteries, let us see what they are doing in England.

Those Gentlemen who stood committed for not parting with moneys upon the Commission for Loans, were appointed to several Confinements not in their own, but Foreign Counties.

Sir *Thomas Wentworth*, afterwards Earl of *Strafford*, and *George Ratcliff* Esq; afterwards Sir *George*, *Yorkshire* Gentlemen, were sent for by Messengers, and removed out of the County of *York* into the County of *Kent*, and there secured by Confinement.

Sir *Walter Earl*, and Sir *John Strangways*, who were *Dorsetshire* men, were secured in the County of *Bedford*.

Sir *Thomas Grantham*, and some others of the County of *Lincoln*, were removed and secured in the County of *Dorset*.

Sir *John Heveningham*, and others of the County of *Suffolk*, were secured in the County of *Somerset*.

Richard Knightly Esq; and others of the County of *Northampton*, were secured in the County of *Southampton* and *Wiltshire*.

Sir *Nathaniel Barnardiston* of the County of *Suffolk*, and *William Coriton* Esq; of the County of *Cornwal*, were secured in the County of *Sussex*.

Sir *Harbottle Grimston* of the County of *Essex*, and Sir *Robert Points*, were secured in *Northamptonshire*.

John Hampden Esq; and others, of the County of *Bucks*, were secured in *Hampshire*; and the like course was taken with the Gentry of other Counties who refused the Loan.

And the Council ordered that all those Refractory persons before-named (for so they are called in the Order) who are appointed by his Majesties command to their several Commitments, shall presently obey the Order of the Board sent with their Messenger in that behalf, or be committed close prisoners, any pretence of inability, want of conveniency, or any excuse whatsoever notwithstanding.

Many of those Gentlemen were afterwards sent for by Pursevants out of those Counties where they were confined by Order of the Council, and committed to several Prisons; some to the *Fleet*, some to the *Marshalsey*, and *Gatehouse*, and others remained in the custody of the Messengers: And from the *Gatehouse* Sir *John Elliot* sends this Petition to his Majesty.

To

To the Kings most Excellent Majesty.

The humble Petition of Sir *John Elliot* Knight, Prisoner in the *Cate-house*, concerning the Loan.

Sheweth,

That your poor Suppliant affected with sorrow and unhappiness, through the long sense of your Majesties displeasure, willing in every act of Duty and Obedience to satisfie your Majesty of the loyalty of his heart, then which he hath nothing more desired, that there may not remain a jealousy in your Royal Breast, that stubbornness and will have been the motives of his forbearing to condescend to the said Loan, how as your Highness foot, with a sad, yet a faithful heart; for an Apology to your Clemency and Grace, he now presumes to offer up the Reasons that induced him, which he conceiveth necessity of his Duty to Religion, Justice, and your Majesty, did enforce.

The Rule of Justice he takes to be the Law, impartial Arbitrer of Government and Obedience, the support and strength of Majesty, the observation of that Justice by which Subjection is commanded. This and Religion (added to this Power not to be resisted) binds up the Conscience in an Obligation to that Rule, which (without open prejudice and violence of these duties) may not be impeached.

In this particular therefore of the Loan, being desirous to be satisfied how far the Obligation might extend, and resolving where he was left Master of his own, to become Servant to your Will, he had recourse unto the Laws, to be informed by them; which in all humility he submiteth to your most Sacred view in the Collections following.

In the time of Edward the First, he findeth that the Commons of that age were so tender of their Liberties, as they feared even their own free acts and gifts might turn them to a Bondage and their Heirs. Wherefore it was desired, and granted,

That for no business such manner of Aids, Taxes, nor Prizes, should be taken, but by common assent of the Realm, and for the common profit thereof.

The like was in force by the same King, and by two other Laws again Enacted,

That no Tallage or Aid should be taken or levied, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burghesses, and other Freeman of the Land.

And that Prudent and Magnanimous Prince, Edward the Third, led by the same Wisdom, having granted,

That the greatest gift given in Parliament for the Aid and speed of his matchless undertaking against France, should not be had in Example, nor fall to the prejudice of the Subject in time to come; did likewise add in Confirmation of that Right, That they should not from thenceforth be grieved to sustain any Charge or Aid, but by the Common Assent, and that in Parliament.

And more particularly upon this point, upon a Petition of the Commons afterwards in Parliament, it was established,

Sir *John Elliot's* Petition to the King concerning the Loan.

An. 1627.

That the Loans which are granted to the King by divers persons, be released, and that none from henceforth be compelled to make such Loans against their Wills, because it is against Reason and the Franchises of the Land, and Restitution be made to such as made such Loans.

And by another Act upon a new occasion, in the time of Richard the Third, it was ordained,

That the Subject in no wise be charged with any such Charge, Exaction, or Imposition, called a Benevolence, nor such like Charge; and that such like Exactions be damned and annulled for ever.

Such were the Opinions of these times, for all these Aids, Benevolences, Loans, and such like Charges exacted from the Subject not in Parliament, which they held to be Grievances contrary to their Liberties, and illegal; and so pious were their Princes in Confirmation of their Liberties, as having secured them for the present by such frequent Laws and Statutes, they did likewise by them provide for their Posterity; and in some so strictly, that they bound the Observation with a Curse, as in that of 33 Edw. 1. And also under pain of Excommunication; as by the other of the Fifth and twentieth of the same King, which was to be denounced against all those that violate or break them; which Act extends to us.

And these Reasons he presents to your Majesty as the first Motive taken from the Law.

There are others also, which in his humble apprehension he conceived from the Action it self, which he likewise tenders to your most Excellent Wisdom.

First, That the Carriage and Instructions accompanied with the Authority of the Great Seal, imported a Constraint, such Requests to Subjects being tacite and implied Commands, and so preventing that readiness and love which in a free way would have far exceeded those Demands, whereas the wonted Aids given to your happy Ancestors were Ex spontanea voluntate, & charitate populi, whereby they made that Conjunction of their Hearts at home, which wrought such power and reputation to their acts abroad.

Whereas the firmest Obligation of that readiness and love, is the benignity of Princes, giving and preserving to their People, just and decent Liberties, which to this Kingdom are derived from the Clemency and Wisdom of your Progenitors, to whom there is owing a Sacred Debt for them: He could not as he feared, without pressure to these immunities, become an actor in this Loan, which by imprisonment and restraint, was urged, contrary to the Grants of the Great Charter, by so many glorious and victorious Kings so many times confirmed, being therein most confident of your Majesty, that never King that reigned over us, had of his own benignity and goodness, a more pious disposition to preserve the just Liberties of his Subjects, than your Sacred Self.

Though we were well assured by your Majesties Royal Promise, whose words he holds as Oracles of Truth, that it should not become a precedent, during the happiness of your Reign (the long continuance whereof, is the daily subject of his Prayers) yet he conceived from thence a fear, that succeeding Ages might thereby take occasion for Posterity to strike at the propriety of their Goods, contrary to the piety and intention of your Majesty so graciously expressed.

And

And these being the true Grounds and Motives of his forbearance to the said Loan, shewing such inconveniences in Reason, and representing it an Act contrabiding so many of your Laws, and most of them by the most prudent and happiest of our Princes granted, which cannot without presumption beyond pardon in your Suppliant, in making himself the Dispensation of those Laws, so proudly Enacted, be lawfully violated or impeached.

In the silence of all Submission and Obedience, as the Apology of his Loyalty and Duty, he lowly offers to your most Sacred Majesty, for the satisfaction of your Majesty, most humbly praying your Majesty will be graciously pleased to take them into your Princely consideration, where when it shall appear (as he doubts not, but from your Majesty's all in your deep judgment) that no factious humor, nor dissension, called on by sabbatizers and will, hath herein stirred or moved him, but the just Obligation of his Conscience, which binds him to the service of your Majesty, in the observance of your Laws; he is deeply presuming upon the Piety and Justice of your Majesty that your Majesty, according to your innate Clemency and Goodness, will be pleased to borrow him to your Favor, and his Liberty, and to afford him the benefit of those Laws which in all humility he craves.

Notwithstanding the said Petition, he still continued a prisoner in the Gate-house, till the general Order of Discharge came.

Sir Peter Heyman refusing to part with Loan-money, was called before the Lords of the Council, who charged him with refractoriness, and with an unwillingness to serve the King; and told him, if he did not pay, he should be put upon service. Accordingly they commanded him to go upon his Majesties service into the Palatinate; and having first settled his estate, he undertook and performed the journey, and afterwards returned into England.

Archbishop Abbot having been long slighted at Court, now fell under the Kings high displeasure for refusing to Licence Doctor Sibthorps Sermon, as he was commanded, intituled, *Apostolical Obedience*, and not long after he was sequestred from his Office, and a Commission was granted to the Bishops of London, Durham, Rochester, Oxford, and Doctor Laud, Bishop of Bath and Wells, to execute Archiepiscopal Jurisdiction. The Commission as followeth.

Archbishop Abbot in disfavor.

CHARLS by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To the Right Reverend Father in God, George, Bishop of London; and to the Right Reverend Father in God, Our Trusty and Welbeloved Counsellor, Richard, Lord Bishop of Durham; and to the Right Reverend Father in God, John, Lord Bishop of Rochester; and John, Lord Bishop of Oxford; to the Right Reverend Father in God, Our Right Trusty and Welbeloved Counsellor, William, Lord Bishop of Bath and Wells, Greeting.

Whereas George, now Archbishop of Canterbury, in the right of the Archbishoprick, hath several and distinct Archiepiscopal, Episcopal, and other Spiritual and Ecclesiastical Powers and Jurisdictions, to be exercised in the Government and

The Commission to Sequester Archbishop Abbot from all his Ecclesiastical Offices.

An. 1627.

Discipline of the Church within the Province of Canterbury, and in the Administration of Justice in Causes Ecclesiastical within that Province, which are partly executed by himself in his own person, and partly, and more generally by several persons nominated and authorized by him, being learned in the Ecclesiastical Laws of this Realm, in those several places whereunto they are deputed and appointed by the said Archbishop: Which several places, as We are informed, they severally hold by several Grants for their several lives, as namely, Sir Henry Martin Knight, hath and holdeth by the Grants of the said Archbishop, the Offices and places of the Dean of the Arches, and Judge, or Master of the Prerogative Court for the Natural life of the said Sir Henry Martin.

Sir Charles Caesar Knight, hath and holdeth by Grants of the said Archbishop, the places or Offices of the Judge of the Audience, and Master of the Faculties for the term of the Natural life of the said Sir Charles Caesar.

Sir Thomas Ridley Knight, hath and holdeth by the Grant of the said Archbishop, the place or Office of Vicar-General to the said Archbishop.

And Nathaniel Brent, Doctor of the Laws, hath and holdeth by Grant of the said Archbishop, the Office or place of Commissary to the said Archbishop, as of his proper and peculiar Dioceses of Canterbury.

And likewise the several Registers of the Arches, Prerogative, Audience, Faculties, and of the Vicar-General and Commissary of Canterbury, hold their places by Grants from the said Archbishop respectively.

Whereas the said Archbishop in some or all of these several places and Jurisdictions, both or may sometimes assume unto his personal and proper Judicature, Order, or Direction, some particular Causes, Actions, or Cases at his pleasure. And forasmuch as the said Archbishop cannot at this present, in his own person, attend these Services which are otherwise proper for his Cognisance and Jurisdiction, and which as Archbishop of Canterbury, he might and ought in his own person to have performed and executed in Causes and Matters Ecclesiastical, in the proper Function of Archbishop of that Province, We therefore, of Our Regal Power, and of Our Princely Care and Providence, that nothing shall be defective in the Order, Discipline, Government, or Right of the Church, have thought fit by the Service of some other Learned and Reverend Bishops, to be named by Us, to supply those things which the said Archbishop ought or might in the Cases aforesaid to have done, but for this present cannot perform the same.

Know ye therefore, That We reposing special Trust and Confidence in your approved Wisdoms, Learning, and Integrity, have nominated, authorized, and appointed, and do by these presents, nominate, authorize, and appoint you the said George, Lord Bishop of London; Richard, Lord Bishop of Durham; John, Lord Bishop of Rochester; John, Lord Bishop of Oxford; and William, Lord Bishop of Bath and Wells, or any four, three, or two of you, to do, execute, and perform all and every those Acts, Matters, and things any way touching, or concerning the Power, Jurisdiction, or Authority of the

the Archbishop of Canterbury, in Causes or Matters Ecclesiastical, as amply, fully, and effectually, to all intents and purposes as the said Archbishop himself might have done.

And We do hereby Command you and every of you, to attend, perform, and execute this Our Royal Pleasure, in and touching the premises, until We shall declare Our Will and Pleasure to the contrary.

And We do further hereby, Will and Command the said Archbishop of Canterbury, quietly, and without interruption, to permit and suffer you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bath and Wells, any four, three, or two of you, to execute and perform this Our Commission according to Our Royal Pleasure thereby signified.

And We do further Will and Command all and every other person and persons whom it may any way concern in their several places or Offices, to be Attendant, Obedient, and Obedient to you and every of you, in the execution and performance of this Our Royal Will and Command, as they and every of them will answer the contrary at their utmost perils.

Nevertheless We do hereby declare Our Royal Pleasure to be, That they the said Sir Henry Martin, Sir Charles Caesar, Sir Thomas Ridley, and Nathaniel Brent, in their several Offices and places aforesaid, and all other Registers, Officers, and Ministers, in the several Courts, Offices, and Jurisdictions, appertaining to the said Archbishop, shall quietly, and without interruption, hold, use, occupy and enjoy their several Offices and places, which they now hold by the Grant of the said Archbishop, or of any other former Archbishop of Canterbury, in such Manner and Form, and with those Benefits, Privileges, Powers, and Authorities, which they now have, hold, and enjoy therein, or thereout, severally and respectively, they, and every of them in their several places, being Attendant and Obedient unto you the said George, Bishop of London; Richard, Bishop of Durham; John, Bishop of Rochester; John, Bishop of Oxford; and William, Bishop of Bath and Wells, or to any four, three, or two of you, in all things according to the Tenor of this Our Commission, as they should or ought to have been to the said Archbishop himself, if this Commission had not been had or made.

In witness whereof, We have caused these Our Letters to be made Patents, witness Our Self at Westminster, the Nineth day of October in the Third year of Our Reign,

Per ipsum Regem.

Edmonds.

For a Memorial of these Proceedings, the Archbishop left to Posterity, this following Narrative penned with his own hand.

Arch-

19. 1627.

Archbishop ABBOT his NARRATIVE.

Pars Prima.

The Archbishops Narrative concerning his dis-
grace at
Court.

His Age when
this befel
him.

His indisposi-
tion kept him
from Court,
and exposed
him to cen-
sure.

IT is an Example, so without Example, that in the Sunshine of the Gospel, in the midst of Profession of the true Religion, under a Gracious King, whom all the World must acknowledge to be blemished with no Vice; a man of my place and years, who have done some service in the Church and Commonwealth, so deeply laden with some furious infirmities of Body, should be removed from his ordinary Habitation, and by a kinde of deportation should be thrust into one end of the Island (although I must confesse into his own Diocefs) that I hold it fit, that the reason of it should be truly understood, least it may some-ways turn to the scandal of my Person and Calling.

Which Declaration notwithstanding, I intend not to communicate to any, but to let it lie by me privately, That it being set down impartially, whilst all things are fresh in memory, I may have recourse to it hereafter, if Questions shall be made of any thing contained in this Relation.

And this I hold necessary to be done, by reason of the strangeness of that, which by way of Censure was inflicted upon me, being then of the age of Sixty five years, incumbred with the Gout, and afflicted with the Stone, having lived so many years in a place of great service; and for ought I know, untainted in any of my actions, although, my Master King *James*, who resteth with God, had both a searching Wit of his own to discover his Servants whom he put in trust, whether they took any sinister courses, or no; and wanted not some suggesters about him to make the worst of all mens actions whom they could misreport: Yet this Innocency and good Fame to be overturned in a moneth, and a Christian Bishop suddenly to be made *Fabula Vulgi*, to be tossed upon the Tongues of Friends and Foes, of Protestants and Papists, of Court and Countrey, of English and Foreigners, must needs in common opinion, presuppose some Crime, open or secret: Which being discovered by the King, albeit not fully appearing to the World, must draw on indignation in so high a measure.

I cannot deny, that the indisposition of my Body kept me from Court, and thereby gave occasion to Maligners to traduce me, as withdrawing my self from publick services; and therefore misliking some courses that were taken, which abstaining perhaps neither pleased the King, nor the great man that set them on foot.

It is true, that in the turbulency of some things, I had no great intements to draw me abroad, but to possess my Soul in Patience, till God sent fairer weather: But the true ground of my abstaining from solemn and publick places, was the weakness of my Feet, proceeding from the Gout; which disease being hereditary unto me, and having possessed me now nine years, had debilitated me more and more: So that I could not stand at all, neither could I go up or down a pair of Stairs; but besides my Staff, I must have the service of one, at least, of my men, which was not fit to be admitted in every place where I was to come.

And

A And although *I* was oft remembred by the wisest of my Friends, that *I* might be carried as the old Lord Treasurer *Burleigh* was, yet *I* did not think my service so necessary for the Commonwealth, as his Lordships by long experience was found to be. *I* did not value my self at so high a rate, but remembred that it was not the least cause of overthrow to *Robert* Earl of *Essex*, that he prized himself so, as if *Queen Elizabeth* and the Kingdom could not well have stood, if he had not supported both the one and the other.

B Now for me thus enfeebled, not with Gout onely, but with the Stone also and Gravel, to wait on the King or the Council Table, was by me held a matter most inconvenient. In the Courts of Princes, there is little feeling of the infirmities belonging to old age, they like them that be yong and gallant in their actions, and in their cloaths, they love not that men should stick too long in any room of greatness. Change and alteration bringeth somewhat with it. What have they to do with Kerchiefs and Staves, with lame or sickly men? it is certainly true, There is little compassion upon the bodily defects of any. The Scripture speaketh of men standing before Kings, it were an uncouth sight to see the Subject sit the day before the Coronation, when on the morrow *I* had work enough for the strongest man in *England*, being weak in my Feet, and coming to *Whitehal* to see things in a readines against the next day; yet notwithstanding the Stone and Gout, *I* was not altogether an inutile servant in the Kings Affairs, but did all things in my house that were to be done; as in keeping the High Commission Court, doing all inferior Actions conducing thereunto, and dispatching References from his Majesty that came thick upon me.

C These Relations which are made concerning me, be of certain truth, but reach not to the reason wherefore *I* was discarded.

D To understand therefore the verity, so it is, That the Duke of *Buckingham* being still great in the favor of the King, could endure no man that would not depend upon him; among other men had me in his eye for not stooping unto him so, as to become his Vassal. *I* that had learned a Lesson, which *I* constantly hold, To be no mans servant but the Kings (for mine Old Royal Master, which is with God, and mine own Reason, did teach me so) went on mine own ways, although *I* could not but observe, That so many as walked in that path, did suffer for it upon all occasions, and so did *I*, nothing wherein *I* moved my Master, taking place; which finding so clearly, as if the Duke had set some ill character upon me, *I* had no way but to rest in patience, leaving all to God, and looking to my self as warily as *I* might. But this did not serve the turn, his undertakings were so extraordinary, That every one that was not with him, was presently against him; and if a hard opinion were once entertained, there was no place left for satisfaction or reconciliation.

E What befel the Earl of *Arundel*, and Sir *Randal* *Crem*, and divers others, *I* need not to report, and no man can make doubt but he blew the Coals.

F For my Self, there is a Gentleman called Sir *H. S.* who gave the first light what should befel me: This Knight being of more livelihood then wisdom, had married the Lady *D.* Sister to the now Earl of *E.* and had so treated her, that both for safeguard of her Honor, blemished by him scandalously, and for her Alimony or maintenance (being glad to get from him) she was inforced to endure a Suit in the High Commission

The Duke offended with the Archbishop, for not stooping to him.

The Archbishop is foretold of the Dukes displeasure.

An. 1627.

mission Court: So to strengthen his party, he was made known to the Duke, and by means of a Dependant on his Grace, he got a Letter from the King, That the Commissioners should proceed no further in hearing of that Cause, by reason that it being a difference between a Gentleman and his Wife, the Kings Majesty would hear it himself. The Solicitor for the Lady finding that the course of Justice was stopped, did so earnestly, by Petition, move the King, that by another Letter there was a relaxation of the former restraint, and the Commissioners Ecclesiastical went on: But now in the new proceeding, finding himself by Justice like enough to be pinched, he did publickly in the Court refuse to speak by any Councel, but would plead his cause himself; wherein he did bear the whole business so disorderly, tumultuously, and unrespectively, that after divers reproofs, I was enforced for the Honor of the Court, and Reputation of the High Commission, to tell him openly, That if he did not carry himself in a better fashion, I would commit him to Prison.

This so troubled the yong Gallant, that within few days after being at Dinner or Supper, where some wished me well, he bolted it out, That as for the Archbishop, the Duke had a purpose to turn him out of his place, and that he did but wait the occasion to effect it. Which being brought unto me constantly, by more ways then one, I was now in expectation what must be the issue of this great mans indignation, which fell out to be as followeth.

Sibthorpes Sermon for Loan Money.

There was one *Sibthorpe*, who not being so much as a Batchellor of Arts, as it hath been credibly reported unto me; by means of Doctor *Peirce*, Dean of *Peterborough*, being Vice-Chancellor of *Oxford*, did get to be conferred upon him the Title of a *Doctor*.

This man is Vicar of *Brackley* in *Northamptonshire*, and hath another Benefice not far from it in *Buckinghamshire*. But the lustre of his Honor did arise from being the Son-in-law of Sir *John Lamb*, Chancellor of *Peterborough*, whose Daughter he married, and was put into the Commission of Peace.

When the *Lent* Assizes were in *February* last at *Northampton*, the man that Preached before the Judges there, was this worthy Doctor; where magnifying the Authority of Kings, (which is so strong in the Scripture, that it needs no flattery any ways to extol it) he let fall divers Speeches which were distasteful to the Auditors; and namely, That they had power to put Poll-Money upon their Subjects heads, when against those challenges, men did frequently mourn.

The Dukes design in having this Sermon sent to the Archbishop to Licence it.

He being a man of a low Fortune, conceived that the putting his Sermon in Print, might gain favor at Court, and raise his Fortune higher, on he goeth with the Transcribing of his Sermon, and got a Bishop or two to prefer this great Service to the Duke; and it being brought unto the Duke, it cometh in his head, or was suggested unto him by some malicious body, that thereby the Archbishop might be put to some remarkable strait: For if the King should send the Sermon unto him, and command him to allow it to the Press, one of these two things would follow, That either he should Authorize it, and so all men that were indifferent, should discover him for a base and unworthy Beast; or he should refuse it, and so should fall into the Kings indignation, who might pursue it at his pleasure, as against a man that was contrary to his service.

Out

Out of this Fountain flowed all the Water that afterwards so wet : In rehearsing whereof, I must set down divers particulars, which some man may wonder how they should be discovered unto me. But let it suffice once for all, that in the word of an honest man, and of a Bishop, I recount nothing, but whereof I have good warrant, God himself working means.

A The matters were revealed unto me, although it be not convenient that in this Paper, I name the manner how they came unto me, least such as did by well-doing further me, should receive blame for their labor. Well ! resolved it is, That I must be put to it, and that with speed ; and therefore Mr. *William Murrey*, Nephew (as I think) unto Mr. *Thomas Murrey*, sometimes Tutor unto Prince *Charles* ; and the yong man now of the Kings Bed-chamber, is sent unto me with the Written Sermon, of whom I must say, That albeit he did the King his Masters business, yet he did use himself temperately and civilly unto me. For avoiding of
B *inquit* and *inquam* (as *Tully* saith) *I said this, and he said that*, I will make it by way of Dialogue, not setting down every days conference exactly by it self, but mentioning all things of importance in the whole, yet distinguishing of times ; where for the truth of the Relation, it cannot be avoided.

C *Murrey*. My Lord, I am sent unto you by the King, to let you know that his pleasure is, That whereas there is brought unto him a Sermon to be Printed, you should allow this Sermon to the Press.

Archb. I was never he that authorised Books to be Printed ; for it is the work of my Chaplains to read over other mens writings, and what is fit, to let it go, what is unfit, to expunge it.

Murrey. But the King will have you your self to do this, because he is minded that no Books shall be allowed, but by you and the Bishop of *London* : And my Lord of *London* authorised one the other day (*Consens* his Book) and he will have you do this.

D *Archb.* This is an occupation that my old Master King *James* did never put me to, and yet I was then yong, and had more abilities of body then now I have ; so that I see I must now learn a new lesson, but leave it with me ; and when I have read it, I shall know what to say unto it, a day or two hence you shall understand my minde. When I had once or twice perused it, I found some words which seemed unto me to cross that which the King intended, and in a sort to destroy it ; and therefore upon his return, a day or two after I exprest my self
E thus.

Mr. *Murrey*. I conceive that the King intendeth that this Sermon shall promote the service now in hand about the *Loan of Money*, but in my opinion it much crosseth it ; for he layeth it down for a rule, and because it should not be forgotten, he repeateth it again,

That Christians are bound in duty one to another, especially all Subjects to their Princes according to the Laws and Customs of the Kingdom wherein they live.

F Out of this will men except this *Loan*, because there is neither Law nor Custom for it in the Kingdom of *England*.

Secondly, In my judgment there followeth a dangerous Speech, *Habemus necessitatem vindicanda libertatis*. For this was all that was then quoted out of *Calvin*, no mention being made of any the other words which are now in the Printed Copy : For when by the former Rule he

3 *Caroli.*

Mr. *Murrey* sent from the King with the Sermon to the Archbishop to have it Licenced by himself.

The discourse by way of Dialogue, between the Archbishop and Mr. *Murrey* on that occasion.

The Archbishops Reasons why he could not Licence it.

An. 1627.

hath set men at liberty, whether they will pay or no, he imposeth upon them a necessity to vindicate this Liberty, and *Vindicare* may be extended to challenge with violence *cum vi*. But for my part I would be most unwilling to give occasion to Sedition and Mutiny in the Kingdom.

Again, here is mention made of Poll-Money, which as I have heard hath already caused much distaste where the Sermon was Preached.

Moreover, what a Speech is this, *That he observes the forwardness of the Papists to offer double*, according to an Act of Parliament so providing, yea, to profess that they would part with the half of their Goods, where he quoteth in the Margent *Anno 1 Caroli*; the Act for the Subsidy of the Layty, whereby Popish Recusants were to pay double; when indeed there is no such Act.

And in the fifth place it is said in this Sermon, that the Princes of *Bohemia* have power to depose their Kings, as not being Hereditary, which is a great question. Such a one as hath cost much blood, and must not in a word be absolutely defined here, as if it were without controversy. I pray you make his Majesty acquainted with these things, and take the Book with you (where it is to be noted, That all this time we had but one single Copy, which was some time at the Court, and sometime left with me.)

Murrey. I will faithfully deliver these things to the King, and then you shall hear further from me.

His Majesty
returns Answer
by Mr.
Murrey to
those Reasons
of the Arch-
bishop.

Some two or three days after he returneth again unto me, and telleth me, That he had particularly acquainted the King with my Objections, and his Majesty made this Answer. First, For the Laws and Customs of the Kingdom, he did not stand upon that, he had a President for that which he did, and thereon he would insist.

Archb. I think that to be a mistaking, for I fear there will be found no such President. King *Henry* the Eighth, as the Chronicle sheweth, desired but the Sixth part of mens estates, Ten groats in the pound; our King desireth the whole Six parts full out, so much as men are set at in the Subsidy Book: And in the time of King *Henry*, although he were a powerful King, yet for that Taxation there began against him little less than a Rebellion; so that he held it wisdom to desist, and laying the blame upon Cardinal *Wolsey*, professed, That he knew nothing of the matter.

Murrey. Secondly, The King saith for the words *Habemus necessitatem vindicanda libertatis*, he taketh them to be for him; and he will stand on his Liberty.

Thirdly, For Poll-money he thinketh it lawful.

Fourthly, It is true, there was no such Act passed, and therefore it must be amended (and yet in the Printed Book it is suffered still to stand. Such slight, and I may say, slovenly care was had by them that published this Sermon.)

And fifthly, For that of *Bohemia*, he hath crossed it out of the Book.

Some other matters there were, against which I took exception, but Mr. *Murrey* being a yong Gentleman, although witty and full of good behavior, I doubted that being not deeply seen in Divinity, he could not so well conceive me, nor make report of my words to his Majesty: And therefore I being lame, and so disabled to wait on the King, did

move

move him, That he would in my name humbly beseech his Majesty to send the Bishop of *Bathe* and *Wells* unto me, and I would by his means make known my Scruples; and so I dismissed Mr. *Murrey*, observing with my self, that the Answers to my Five Objections, especially to two or three, were somewhat strange: As if the King were resolved, were it to his good or to his harm, to have the Book go forth.

A After one or two days more, the young Gentleman cometh to me again, and telleth me, That the King did not think it fit to send the Bishop of *Bathe* unto me; but he expecteth I should pass the Book. In the mean time had gone over one High Commission day, and this Bishop who used (otherwise) very few days to fail, was not there, which being joyned to his Majesties Message, made me in some measure to smell, that this whole business might have that Bishops hand in it, especially I knowing in general the disposition of the man.

B The mindes of those that were Actors for the publishing of the Book, were not quiet at the Court, that the thing was not dispatched; and therefore one day the Duke said to the King, Do you see how this business is deferred, if more expedition be not used, it will not be Printed before the end of the Term; at which time it is fit that it be sent down into the Countreys.

So eager he was, That either by my Credit his undertakings might be strengthened, or at least I might be contemned and derided as an unworthy fellow.

C This so quickned the King, that the next Message which was sent by Mr. *Murrey*, was in some degree minatory, That if I did not dispatch it, the King would take some other course with me.

When I found how far the Duke had prevailed, I thought it my best way to set down in writing many Objections, wherefore the Book was not fit to be published; which I did modestly, and sent them to the King. The words were these which I culled out of the Written Sermon.

D 1. Page 2. Those words deserve to be well weighed, *And whereas the Prince pleads not the Power of Prerogative.*

2. Page 8. *The Kings duty is first to direct and make Laws.* There is no Law made till the King assent unto it; but if it be put simply to make Laws, it will make much startling at it.

E 3. Page 10. *If nothing may excuse from active obedience, but what is against the Law of God, or of Nature, or impossible.* How doth this agree with the first Fundamental Position? Page 5. *That all Subjects are bound to all their Princes according to the Laws and Customs of the Kingdom wherein they live.*

This is a fourth Case of Exception.

F 4. Page 11. *The Poll-Money*, mentioned by him in *St. Matthew*, was imposed by the Emperor as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when onely it was used, for ought that appeareth.

5. Page 12. It is in the bottome, view the Reign of *Henry* the Third, and whether it be fit to give such allowance to the Book, being surreptitiously put out?

6. In the same Page, let the largeness of those words be well considered, *Yea all Antiquity to be absolutely for absolute Obedience to Princes*

3 *Caroli.*

The Archbishop desires Bishop *Land* may be sent to him to treat of that Sermon.

The Archbishop sends his Objections to the Court in writing against the Sermon.

An. 1627. in all Civil and Temporal things. For such cases as *Naboths Vineyard* may fall within this.

7. Page 14. *Sixtus Quintus* was dead before the year One thousand five hundred and eighty.

8. In the same Page weigh it well, How this *Loan* may be called a *Tribute*, and when its said, *We are promised it shall not be immoderately imposed*? How that agreeth with his Majesties Commission and Proclamation which are quoted in the Margent?

It should seem that this Paper did prick to the quick, and no satisfaction being thereby accepted, Bishop *Laud* is called, and he must go to answer to it in writing: This man is the onely inward Counsellor with *Buckingham*, sitting with him sometimes privately whole hours, and feeding his humor with malice and spight.

His life in *Oxford* was to pick quarrels in the Lectures of the Publick Readers, and to advertise them to the then Bishop of *Durham*, that he might fill the ears of King *James* with discontents, against the honest men that took pains in their places, and settled the truth (which he called *Puritaniſm*) in their Auditors.

He made it his work to see what Books were in the Press, and to look over Epistles Dedicatory, and Prefaces to the Reader, to see what faults might be found.

It was an observation what a sweet man this was like to be, that the first observable act that he did, was the marrying of the Earl of *D.* to the Lady *R.* When it was notorious to the World, that she had another Husband, and the same a Nobleman, who had divers Children then living by her. King *James* did for many years take this so ill, that he would never hear of any great preferment of him, insomuch, that the Bishop of *Lincoln*, Doctor *Williams*, who taketh upon him to be the first promoter of him, hath many times said, That when he made mention of *Laud* to the King, his Majesty was so averse from it, that he was constrained oftentimes to say, That he would never desire to serve that Master which could not remit one fault unto his Servant. Well, in the end he did conquer it, to get him to the Bishoprick of *St. Davids*; which he had not long enjoyed, but he began to undermine his Benefactor, as at this day it appeareth. The Countess of *Buckingham* told *Lincoln*, that *St. Davids* was the Man that undermined him with her Son; and verily, such is his aspiring nature, that he will underwork any man in the World, so that he may gain by it.

This Man who believeth so well of himself, framed an Answer to my Exceptions. But to give some countenance to it, he must call in three other Bishops, that is to say, *Durham*, *Rocheſter*, and *Oxford*, tryed men for such a purpose, and the whole stile of the Speech runneth, *We and We*.

This seemed so strong a confutation, that for reward of their service, as well as for hope, that they would do more, Doctor *Neal*, Bishop of *Durham*, and the Bishop of *Bath*, were sworn of the Privy Council.

The very day being Sunday, Mr. *Murrey* was sent unto me with a Writing, but finding me all in a sweat by a fit of the Stone which was then upon me, he forbore for that time to trouble me, and said, That on the morrow he would repair unto me again. I got me to Bed, and lying all that night in pain, I held it convenient not to rise the next day:

And

Bishop Laud
was a long
time offended
with Bishop
Williams.

King James
was a long
time offended
with Bishop
Laud.

He was ad-
vanced by Bi-
shop Williams.

Bishops of
Durham and
Bath were
of the Privy
Council.

3 Caroli.

Mr. Murrey brings the Answer to the Archbishops Objections.

And on the Monday Mr. Murrey came unto me, which was the Eighth time that he had been with me, so unceasingly was I plyed with this noble work.

I had shewed it before to a friend or two, whereof the one was a Learned Doctor of Divinity, and the other had served many times in Parliament with great commendation. We all agreed, That it was an idle work of a Man that understood not Logick, that evidently crossed himself, that some times spake plausibly, and in the end of his Sermon fell so poor and flat, that it was not worth the reading.

Mr. Murrey coming to my Bed-side, said, That he was sent again by the King, and had a Paper to be shewed unto me.

Archb. You see in what case I am, having slept little all this last night, but nevertheless since you come from the King, I will take my Spectacles and read it.

Murrey. No my Lord, you may not read it, neither handle it; for I have charge not to suffer it to go out of my hands.

Archb. How then shall I know what it is?

Murrey. Yes, I have order to read it unto you, but I may not part with it.

Archb. I must conceive, that if I do not assent to it, his Majesty will give me leave to reply upon it, which I cannot do, but in my Study, for there are my Books.

Murrey. I must go with you into your Study, and sit by you till you have done.

Archb. It is not so hasty a work, it will require time, and I have not been used to Study, one sitting by me, but first read it I pray you. The yong Gentleman read it from the one end to the other, being two or three sheets of Paper.

Archb. This Answer is very bitter, but giveth me no satisfaction, I pray you leave the Writing with me, and I shall batter it to peeces.

Murrey. No, my Lord, I am forbidden to leave it with you, or to suffer you to touch it.

Archb. How cometh this about? Are the Authors of it, afraid of it, or ashamed of it? I pray you tell his Majesty that I am dealt with neither Manly nor Schollar-like. Not Manly, because I must fight with Adversaries that I know not; not Schollar-like, because I must not see what it is that must confute me. It is now Eight and forty years ago that I came to the University, and since that time I have ever loved a Learned Man, I have disputed and written divers Books, and know very well what appertaineth to the Schools. This is a new kinde of Learning unto me, I have formerly found fault, that the Author of this Sermon quoteth not the places whereupon he grounds his Doctrine; and when I have oft called for them, it is replied unto me, that I must take them upon the credit of the Writer, which I dare not do; for I have searched but one place which he quoted in general, but sets down neither the words, nor the Treatise, nor the Chapter, and I finde nothing to the purpose, for which it is quoted; and therefore I have reason to suspect all the rest. I pray you therefore in the humblest manner to commend my service to the King my Master, and let him know, that unless I may have all the Quotations set down, that I may examine them, and may have that writing, wherein I am so ill used, I cannot allow the Book.

The Archbishop is not suffered to see the Writing, but Mr. Murrey reads it.

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Before I go further, it shall not be amiss to touch some particulars of that which I sent in writing to the King.

The first was Page 2. Those words deserve to be well weighed, *And whereas the Prince pleads not the Power of Prerogative.*

To this Mr. Murrey said, The King doth not plead it: But my Reply was, By what then doth he coerce those Refractories; for I have not heard of any Law whereby they are imprisoned, and therefore I must take it to be by the Kings Prerogative.

To the second Page 8. *The Kings duty is first to direct and make Laws.* There is no Law made till the King assent unto it; but if it be put simply to make Laws, it will cause much startling at it.

To this I remember not any material thing answered, neither to the third.

Page 10. *If nothing may excuse from active obedience, but what is against the Law of God, or of Nature, or impossible:* How doth this agree with the first Fundamental Position? Page 5. *That all Subjects are bound to all their Princes according to the Laws and Customs of the Kingdom wherein they live.*

This is a fourth Case of Exception.

And here before I go to the rest, the Doctor did truly hit upon a good point, in looking to the Laws and Customs, if he could have kept him to it; for in my memory, and in the remembrance of many Lords, and others that now live, Doctor *Harsenet*, the then Bishop of *Chichester*, and now of *Norwich*, in Parliament time Preached a Sermon at *Whitehal*, (which was afterward burned) upon the Text, *Give unto Cæsar, the things that be Cæsars.* Wherein he insisted, That Goods and Money were *Cæsars*, and therefore they were not to be denied unto him.

At this time, when the whole Parliament took main offence thereat, King *James* was constrained to call the Lords and Commons into the Banqueting-house at *Whitehal*, and there his Majesty calmed all by saying, *The Bishop onely failed in this, when he said the Goods were Cæsars;* he did not adde, They were his according to the Laws and Customs of the Countrey wherein they did live.

So moderate was our *Cæsar* then, as I my self saw, and heard, being then an eye and ear witness, for I was then Bishop of *London*.

To the fourth, The Poll-Money, in *St. Matthew*, was imposed by the Emperor, as a Conqueror over the *Jews*, and the execution of it in *England*, although it was by a Law, produced a terrible effect in King *Richard* the Second's time, when onely it was used, for ought that appeareth.

Here the Bishop in the Paper excepted divers things, as, That sometimes among us by Act of Parliament, strangers are appointed to pay by the Poll, which agreeth not with the Case; and that it was not well to bring examples out of weak times, whereas we live in better; but that it was a marvelous fault, the blame was not laid upon the Rebels of that Age.

Those are such poor things, that they are not worth the answering.

But my Objection in truth prevailed so far, that in the Printed Book it was qualified thus. Poll-Money, other persons, and upon some occasions; where *obiter* I may observe, That my refusing to sign the Sermon,

is not to be judged by the Printed Book, for many things are altered in one, which were in the other.

To the fifth, Page 12. It is in the bottome, view the Reign of Henry the Third, whether it be fit to give such allowance to the Book being surreptitiously put out.

To this it was said, That being a good passage out of a blame-worthy Book, there was no harm in it.

A But before the Question of *Sibthorps* Treatise, the Bishop of *Bathe* himself being with me, found much fault with that Treatise, as being put out for a scandalous Parallel of those times.

To the sixth in the same Page, Let the largeness of those words be well considered; *Yea, all Antiquity to be absolutely for absolute Obedience to Princes, in all Civil or Temporal things*: For such Cases (as *Naboths Vineyard*) may fall within this.

B Here the Bishop was as a man in a rage, and said, That it was an odious comparison; for it must suppose, that there must be an *Ahab*, and there must be a *Jezebel*, and I cannot tell what: But I am sure my Exception standeth true, and reviling, and railing, doth not satisfy my Argument, *All Antiquity* taketh the Scripture into it; and if I had allowed that proportion for good, I had been justly beaten with my own Rod.

C If the King the next day had commanded me to send him all the Money and Goods I had, I must by mine own rule have obeyed him; and if he had commanded the like to all the Clergy-men in *England*, by Doctor *Sibthorps* proportion, and my Lord of *Canterburies* allowing of the same, they must have sent in all, and left their Wives and Children in a miserable case. Yea, the words extend so far, and are so absolutely delivered, That by this Divinity, if the King should send to the City of *London*, and the Inhabitants thereof, commanding them to give unto him all the wealth which they have, they were bound to do it: I know our King is so gracious, that he will attempt no such matter; but if he do it not, the defect is not in these flattering Divines, who if they were called to question for such Doctrine, they would scarce be able to abide it. There is a *Meum* and a *Tuum*, in Christian Commonwealths, and according to Laws and Customs, Princes may dispose of it, that saying being true, *Ad Reges potestas omnium pertinet, ad singulos proprietas*.

D To the seventh, Page 14. *Pius Quintus* was dead before the year One thousand five hundred and eighty.

E They make no Reply, but mend it in the Printed Book, changing it into *Gregory* the Thirteenth.

To the last in the same Page, weigh it well, How this Loan may be called a *Tribute*; and when it is said, *We are promised shall not be immoderately imposed*.

F How that agreeth with his Majesties Commission and Proclamation which are quoted in the Margent, they make no Answer; but in the published Sermon distinguisheth a *Tribute* from a *Loan* or *Aid*, whereby they acknowledge it was not well before, and indeed it was improper and absurd, worthy of none but Dr. *Sibthorpe*.

I have now delivered the Grounds whereupon I refused to authorize this Book, being sorry at my heart, that the King, my Gracious Master, should rest so great a building upon so weak a Foundation, the Treatise being so slender, and without substance, but that it proceeded from a hungry man.

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If I had been in Council when the Project for this Loan was first handled, I would have used my best Reasons to have had it well grounded; but I was absent, and knew not whereupon they proceeded, onely I saw it was followed with much vehemency: And since it was put in execution, I did not interpose my self to know the Grounds of one, nor of the other.

It seemed therefore strange unto me, That in the upshot of the business, I was called in to make that good by Divinity, which others had done; and must have no other inducement to it, but Doctor *Sibthorps* contemptible Treatise. I imagined this for the manner of the carriage of it, to be somewhat like unto the Earl of *Somersets* Case, who abused the Wife of the Earl of *Essex*, must have her divorced from her Husband, and must himself marry her: And this must not be done, but that the Archbishop of *Canterbury* must ratifie all judicially. I know the Cases are different, but I onely compare the manner of the carriage.

Sibthorps Sermons Licensed by the Bishop of London.

When the Approbation of the Sermon was by me refused, it was carried to the Bishop of *London*, who gave a great and stately allowance of it; the good man being not willing that any thing should stick which was sent unto him from the Court, as appeareth by the Book which is commonly called *The Seven Sacraments*, which was allowed by his Lordship with all the Errors, which since that time have been expunged, and taken out of it.

Mr. Selden.

But before this passed the Bishops File, there is one accident which fitly cometh in to be recounted in this place. My Lord of *London* hath a Chaplain, Doctor *Worral* by name, who is Schollar good enough, but a kinde of free Fellow-like man, and of no very tender Conscience. Doctor *Sibthorps* Sermon was brought unto him, And hand over head (as the Proverb is) he approved it, and subscribed his name unto it. But afterwards being better advised, he sendeth it to a learned Gentleman of the *Inner Temple*, and writing some few lines unto him, craveth his opinion of that which he had done, the Gentleman read it: But although he had promised to return his Judgment by Letter, yet he refused so to do, but desired that Doctor *Worral* would come himself; which being done, he spake to this purpose, What have you done, you have allowed a strange Book yonder; which if it be true, there is no *Meum* or *Tuum*, no man in *England* hath any thing of his own: If ever the Tide turn, and Matters be called to a Reckoning, you will be hanged for publishing such a Book. To which the Doctor answered, Yea, but my hand is to it, what shall I do? For that the other replied, You must scrape out your name, and do not suffer so much as the sign of any Letter to remain in the Paper. Which accordingly he did, and withdrew his finger from the Pye.

But what the Chaplain well-advised would not do, his Lord without sticking accomplished; and so being unsensibly hatched, it came flying into the World: But in my opinion, the Book hath perswaded very few understanding men, and hath not gained the King six pence.

Pars Secunda.

A **H**itherto I have declared at length all Passages concerning the Sermon, and to my remembrance I have not quitted any thing that was worthy the knowing. I am now in the second place to shew what was the issue of this not allowing the worthy and learned Treatise. In the height of this Question, I privately understood from a Friend in the Court, That for a punishment upon me, it was resolved that I should be sent away to *Canterbury*, and confined there. I kept this silently, and expected Gods pleasure, yet laying it up still in my minde, esteeming the Duke to be of the number of them, touching whom *Tacitus* observeth, *That such as are false in their love, are true in their hate.* But whatsoever the event must be, I made that use of the Report, that *Facula prævisa minus feriunt.* The Duke at the first was earnest with the King, That I must be presently sent away before his going to Sea: For, saith he, if I were gone, he would be every day at *Whitehal*, and at the Council Table, and there will cross all things that I have intended. To meet with his Objection, I got me away to *Croyden* a moneth sooner than in ordinary years I have used to do; but the Term was ended early, and my main fit of the Stone did call upon me to get me to the Countrey, that there on Horse-back I might ride upon the Downs; which I afterwards performed, and I thank God found great use of it, in recovering of my Stomack which was almost utterly gone.

The Duke proffeth his Maiesty to have the Archbishop sent away before he set to Sea.

D The Duke hastned his preparations for the fleet, but still that cometh in for one *Memorandum*, That if he were once absent, there should no day pass over, but that the Archbishop would be with the King, and infuse things that would be contrary to his proceedings. What a miserable and restless thing Ambition is, when one talented, but as a common person, yet by the favor of his Prince, hath gotten that interest, that in a sort all the Keys of *England* hang at his Girdle (which the wise Queen *Elizabeth* would never endure in any Subject) yet standeth in his own heart in such tickle terms, as that he feareth every shadow, and thinketh that the lending of the Kings ear unto any grave and well-seasoned Report, may blow him out of all; which in his estimation he thinketh is settled upon no good foundation, but the affection of the Prince, which may be mutable, as it is in all men more or less? If a man would wish harm unto his enemy, could he wish him a greater torment, then to be wrested and wringed with ambitious thoughts? Well, at first it went currant, that with all hast I must be doffed, but upon later consideration it must be staid till the Duke be at Sea, and then put in execution by the King himself; that as it seemeth *Buckingham* might be free from blame, if any should be laid upon any person. Hence it was, that after his going, there was new prosecution of the *Yorkshiremen*, and the refusing *Londoners* were pursued more fervently then before; and it is very likely, that the Arrow came out of the same

E Quiver; that the Bishop coming to the Election at *Westminster* was driven back so suddenly to *Bugden*. Take heed of these things Noble Duke, you put your King to the worst parts, whereof you may hear one day: So when your Sovereign in the Parliament time had spoken sharply to both Houses, commanding them to go together again, and

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to give more money, and commanding them to meddle no more with the Duke of *Buckingham*; you came the next day and thought to smooth all, taking the glory of qualifying disturbances to your self; whereas, if you had read Books of true State Government, wherewithal you are not acquainted, sweet things are personally to be acted by Kings and Princes, as giving of Honors, and bestowing of noted benefits; and those things that are sour and distasting, are to be performed by their Ministers, you go the contray way.

But as before the whole House falleth on fire, some sparks do flie out: So, before the Message of the King was brought me by the Secretary, there were some inklings that such a thing would follow. And upon the naming of me (by occasion) it was said by a Creature of the Dukes, That it would not be long before the Archbishop should be sequestred (that was the word) So well acquainted are the Dukes followers with great actions that are likely to fall out in State.

Accordingly on Tuesday the Fift of *July*, One thousand six hundred twenty and seven, the Lord *Conway* came unto me to *Croyden* before Dinner time, having travelled, as he said, a long journey that morning, even from *Oatlands* thither, he would say nothing till he had dined; then because he was to return to *Oatlands* that night, I took him into the Gallery; and when we were both sat down, we fell to it in this manner.

M*y Lord*, I know you coming from Court, have somewhat to say to me.

Secretary. It is true, my Lord, and I am the most unwilling man in the World to bring unpleasing news to any person of quality to whom I wish well, and especially to such a one as of whose Meat I have eaten, and been merry at his House: But I come from the King, and must deliver his pleasure; I know who you are, and much more, with very civil language.

Archb. I doubt not, my Lord, but you have somewhat to say, and therefore I pray you in plain terms let me have it.

Secre. It is then his Majesties pleasure that you should withdraw your self unto *Canterbury*; for which he will afford you some convenient time.

Archb. Is that it, then I must use the words of the *Psalmist*, *He shall not be afraid of any evil tidings; for his heart standeth fast, and believeth in the Lord.* But I pray you what is my fault that bringeth this upon me.

Secre. The King saith you know.

Archb. Truly I know none, unless it be that I am lame, which I cannot help, it is against my will, and I am not proud of it.

Secre. The King bad me tell you, That if any expostulation were used —

Archb. No, I will not use any expostulation, if it be his pleasure, I will obey, I know my self to be an honest man, and therefore fear nothing: But my Lord, do you think it is for the Kings service in this sort to send me away.

Secre. No, by God! I do not think it, and so yesterday I told the King with an Oath; but he will have it so.

Archb. I must say as before, *He shall not be afraid of any evil tidings; for his heart standeth fast, and he believeth in the Lord.* But I pray

The Archb.
shop com-
manded to
withdraw.

A pray you, my Lord, is the King precisely set upon my going to *Canterbury*; there are questions in Law between me and that Town, about the Liberties of my Archbishoprick, which I by my Oath am bound to maintain; and if I should be among them, I have many Adversaries of the Citizens, I have there some Tenants, and the Dean and Chapter are interess'd in the Question, I would be unwilling that my Servants and their people should fall together by the ears, while I am in the Town: His Majesty knoweth this difference to be between us, by the token that a Suit which I lately brought against them by a *Quo Warranto* in the *Kings Bench*, was stopped, Justice being denied me, which is not usual to be denied to any Subject, and the King well knoweth by whose means it was stay'd. I have therefore another House called *Foord*, Five Miles beyond *Canterbury*, and more out of the way, his Majesty may be pleas'd to let me go thither.

B *Secre.* I can say nothing to that, but I will acquaint the King with it, and I conceive nothing to the contrary but that his Majesty will yield so much unto you. I have a second Charge to deliver unto you, and that is, That his Majesty will not have you from henceforth to meddle with the High Commission, he will take care that it shall be done otherwise.

C *Archb.* I do not doubt but it shall be better managed then it hath been by me: And yet, my Lord, I will tell you that for these many years that I have had the direction of that Court, the time is to come that ever honest man did finde fault, that he had not there Justice done.

Secre. It is now Vacation time, and so consequently little to do, and by *Michaelmas* his Majesty may set all in order.

Archb. I am sorry that the King proceedeth thus with me, and letteth me not know the cause.

D *Secre.* Although I have no Commission to tell you so, it is for a Book which you would not allow, which concern'd the Kings Service.

Archb. If that be it, when I am question'd for it, I doubt not but to give an honest Answer.

Secre. You will never be question'd for it.

Archb. Then am I the more hardly dealt withal, to be censured, and not call'd to my Answer,

E *Secre.* Well, my Lord, I will remember that of *Foord*, and will your Grace command me any more Service.

Archb. No, my Lord, but God be with you, onely I end where I began with the words of the Prophet, *He shall not be afraid for any evil tidings, for his heart standeth fast, and believeth in the Lord.*

F It comforted me not a little, that the word was now out: My confining must be for not allowing of a Book! I had much ado to forbear smiling when I heard it, because now it was clear, it was not for Felony or Treason that was laid to my charge, nor for intelligence with the *Spaniards* or *French*, nor for Correspondency with Jesuites or Seminary Priests, or any other grievous crime, I thank God for that. I had almost forgotten that among many other memorable Speeches that pass'd between us, I us'd this one, That peradventure the King might be offended at me, because I was no more present at the matter of the

The Lord Conway tells the Archbishop the reason why he is commanded to retire.

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Loan; but said I, my lameness hindered me therein, and I hoped thereby to do my Master better service, because if ever course be taken to reconcile the King and his people (which if it be not, this Kingdom will rue it in the end) I would hope among many other, to be a good Instrument therein, since my hand hath not been in those bitterneesses which have of late fallen out.

You say well saith the *Secretary*, Would you that I should tell the King so much? Yea, said I, if you please, I hold it not unfit that his Majesty should know it.

What he reported therein, I do not know, but matters proceeded in the former course, as if there were no regard had of any such thing.

The Lord *Conway* being gone from me for two or three days, I expected to hear the resolution, to what place in *Kent* I should betake my self; and receiving no news, I tossed many things in my minde, as perhaps, that the King desired to hear somewhat from the Duke how he sped in his journey; or that peradventure he might alter his purpose upon report of my ready obeying; or that it might so fall out, that some of the Lords at the Court understanding upon the *Secretaries* return from *Croyden*, that which was formerly concealed from them, might infuse some other Councils into the King. These thoughts I revolved at last, not forgetting the courses of the Court, and imprinting that into my heart, That there was no good intended towards me; but that any advantage would be taken against me, I sent a man to *Whitehal* whether the King was now come, for a night or two, and by him I wrote to the Lord *Conway*, in these words.

My very good Lord,

The Archbishop writes to the Lord *Conway*, to know if his Majesty will give him his choice of two houses to retire to.

I Do not forget the Message which you brought unto me on Thursday last, and because I have heard nothing from you since that time, I send this Messenger on purpose to know what is resolved touching the House, or Houses where I must remain, there belong to the Archbishoprick three Houses in *Kent*, one at *Canterbury*, another Five Miles beyond called *Foord*, and a third on the side of *Canterbury*, but two Miles off, the name whereof is *Becksburn*.

I pray your Lordship to let me know his Majesties pleasure, Whether he will leave the choice of any of those Houses to me to reside in: I have reason to know the resolution hereof, because I must make my Provision of Wood, and Coals, and Hay, for some definite place; and when I shall have brewed, it is fit I should know where to put it, or else it will not serve the turn: It is an unseasonable time to Brew now, and as untimely to cut Wood, being green in the highest degree, and to make Coals, without all which my House cannot be kept. But when I shall know what must be my Habitation, I will send down my Servants presently to make the best Provision that they can. And so expecting your Lordships Answer, I leave you to the Almighty, and remain

Croyden, July 10.
1627.

Your Lordships
very loving Friend,

G. Cant.

He

He made my Servant stay, and when he had gone up to know the Kings further pleasure, he returned me the Answer following.

May it please your Grace,

The Lord
Conway's An-
swer.

I Am ashamed and do confess my fault, that I wrote not to your Grace before I received your Reproof, though a Gracious one; but in truth, I did not neglect, nor forget: But the continual oppression of business, would not permit me to advertise to your Grace the Kings Answer. His Majesty heard seriously your Professions and Answers, and commanded me to signify unto you, That he knew not the present differences between you and the Town; and if he had, he would not have cast you into that inconvenience. He was well pleased you should go to your house at Foord, and said, He did not expect when the Question was ended between your Grace and the Town, that you should go to Canterbury.

And he further said, He would not tie you to so short a time as might be any way inconvenient, but doth expect that your Grace will govern it so, as his Majesty shall not need to warn you a second time.

I will not fail to move his Majesty to give you Liberty to chuse either of your Houses you name, and give you knowledge of his pleasure, and in all things be ready to obey your Commandments, or take occasion to serve you in the condition of

Whitehal, July 10.
1627.

Your Graces

most humble Servant

Conway.

I could not but observe therein that passage, That the King doth expect that your Grace will govern it so, as his Majesty shall not need to warn you a second time; I needed no Interpreter to expound those words, and therefore did take order that one of my Officers was presently dispatched unto Foord to see the House ready.

While Necessaries were caring for, and I lay for some days at Croyden, and afterwards at Lambeth, the City of London was filled with the Report of my confining, (for so they did term it) and divers men spake diversly of it. I will not trouble my self to mention some idle things, but some other of them require a little consideration. A main matter that the Duke was said to take in ill part, was, the resort which was made to my House at the times of Dinner and Supper, and that oftentimes of such as did not love him.

The reason
why the Duke
was thought
to be offend-
ed with the
Archbishop.

My Answer unto that is, That by Nature I have been given to keep a House according to my Proportion, since I have had any means, and God hath blessed me in it. That it is a property by Saint

The Archbi-
shop accus-
tomed to Hospi-
tality.

Paul

An. 1627. *Paul* required in a Bishop, *That he should be given to Hospitality*; that it is another of his Rules, *Let your Conversation be without Covetousness*; and those things I had in mine eyes. Besides I have no Wife, nor Childe; and as for my Kinred, I do that for them which I hold fit; but I will not rob the Church, nor the Poor for them.

Again, It is so rare a fault in these days, that men not feeding on the Kings Meate, but of their own charge, should frankly entertain their Friends when they come unto them, that I deserve to be pardoned for it. But this is not all.

King James
injoyned the
Archbishop to
live like an
Archbishop.

When King *James* gave me the Bishoprick, he did once between him and me, and another time before the Earl of *Salisbury*, charge me that I should carry my House Nobly (that was his Majesties word) and live like an Archbishop; which I promised him to do: And when Men came to my House, who were of all civil sorts, I gave them friendly entertainment, not sifting what exceptions the Duke made against them; for I knew he might as undeservedly think ill of others, as he did of me. But I meddled with no mans quarrels, and if I should have received none but such as cordially and in truth had loved him, I might have gone to Dinner many times without company. There frequented me Lords Spiritual and Temporal, divers Privy Counsellors, as occasion served, and Men of the highest rank; where, if the Duke thought that we had busied our selves about him, he was much deceived: Yet perhaps the old saying is true, *That a Man who is guilty of one Evil to himself, thinketh that all men that talk together, do say somewhat of him.* I do not envy him that happiness, but let it ever attend him.

As for other men of good sort, but of lesser quality, I have heard some by name, to whom exception hath been taken, and these are three, (I know from the Court by a Friend, that my House for a good space of time hath been watched, and I marvel that they have not rather named sixty then three.)

The Duke
was not pleased
that Sir
Dudley Diggs
frequented
the Archbishops
house.

The first of these is Sir *Dudley Diggs*, a very great Mote in the Dukes Eye, as I am informed; for it is said, That this Knight hath paid him in Parliament with many sharp Speeches. If this be so yet what is that to me, he is of age to answer for himself. But in the time of the late Parliament, when the Earl of *Carlile* came unto me, and dealt with me thereabout, I gave him my word, and I did it truly, That I was not acquainted with these things; onely being sick as I was, I had in general given him advice, That he should do nothing that might give just offence to the King; and I have credibly heard, that when Sir *Dudley* was last in the *Fleet*, committed from the Council Table, he was much dealt withal, to know, Whether he was not instigated by me to accuse the Duke in Parliament: The Knight with all the Protestations and Assurances, that could come from a Gentleman, acquitted me of the part, and whole, wherein he did me but right: And I do remember, when that man now so hated, was a great Servant of the Dukes. So that if he have now lost him, it cannot but be presumed that it is for some unworthy carriage which the Gentleman conceiveth hath by that Lord been offered unto him.

Moreover, How can I but imagine the words and actions of Sir *Dudley Diggs* have been ill interpreted, and reported: When I my self saw the Duke stand up nine times in a morning in the Parliament House

A

to fasten upon him words little less (if at all less) then Treason; when by the particular Votes of all the Lords and Commons in both Houses, he was quit of those things, which the other would have enforced upon him: And a little while before he was hastily clapt into the *Tower*, and within a day or two released again, because nothing was proved against him. And I assure you, I am so little interessed in his actions, That to this day I could never learn the reason why he was imprisoned in the *Fleet*, although he was kept there for Seven or eight weeks. I distinguish the King from the Duke of *Buckingham*; the one is our Sovereign by the Laws of God and Men; the other a Subject as we are: And if any Subject do impeach another, though of different degrees, let the party grieved, remedy himself by Law, and not by Power.

B

But to speak further for this Knight, I may not forget when he was publickly employed; one time to the *Hague*, a second time to *Muscovia*, and thirdly, into *Ireland*, about Affairs of the State, such opinion was then held of his good endeavors. And for mine own part ever since the days of *Queen Elizabeth*, I have been nearly acquainted with him, he was my Pupil at *Oxford*, and a very towardsly one; and this knowledge each of other, hath continued unto this time. He calleth me Father, and I term his Wife my Daughter, his eldest Son is my God-son, and their Children are in love accounted my Grandchildren.

The Archbishop was Tutor to Sir *Dudley Diggs* at *Oxford*.

C

The second that I have heard named, was Sir *Francis Harrington*, a Gentleman whom for divers years I have not seen, and who for ought I know, was never in my house but once in his life.

D

The third was Sir *Thomas Wentworth*, who had good occasion to send unto me, and some times to see me, because we were joynt Executors to Sir *George Savile*, who married his Sister, and was my Pupil at *Oxford*; to whose Son also, Sir *Thomas Wentworth* and I were Guardians, as may appear in the Court of Wards, and many things passed between us in that behalf; yet to my remembrance I saw not this Gentleman but once in these Three quarters of a year last past; at which time he came to seek his Brother-in-law, the Lord *Glifford*, who was then with me at Dinner at *Lambeth*.

The Duke was offended that Sir *Thomas Wentworth* frequented the Archbishops House.

E

For one of the punishments laid upon me, it was told me by the Lord *Conway*, That I must meddle no more with the High Commission; and accordingly within a few days after a Warrant is sent to the Attorney General, that the Commission must be renewed, and the Archbishop must be left out: This under hand being buzzed about the Town with no small mixture of spight, I conceived it to be agreeable to the proceedings with the Lords and Gentlemen which refused to contribute to the Loan, they all being laid aside in the Commissions for Lieutenantcy, and the Peace, in their severall Countreys. For my part, I had no cause to grieve at this, since it was his Majesties pleasure; but it was by the actors therein understood otherwise, they supposing that this power gave me the more Authority and Splendor in the Church and Commonwealth.

The Archbishop commanded to meddle no more in the High Commission.

F

To deliver therefore truly the state of this Question, It cannot be denied, but that it was a great point of policy for the establishing of Order in the Ecclesiastical, and consequently Civil Estate also, to erect such

Commendations of the High Commission Court.

An. 1627.

such a Court, whereby Church-men that exorbitated in any grievous manner, might be castigated, and rectified, and such sort of crimes in the Layety might be censured as were of Ecclesiastical Cognisance. And verily this is of great use in the Kingdom, as well for cherishing the Study of the Civil Law, as otherwise: So that it be kept incorruptible, and with that integrity, as so grave a Meeting and Assembly requireth. That was principally my care, who took much pains and spent much money, that in fair and commendable sort, Justice was indifferently administered to all the Kings people that had to do with us: But every one might see that this was to my singular trouble; for besides that to keep things in a streight course, sometimes in fits of the Gout, I was forced by my Servants to be carried into the Court, where I could not speak much, but with difficulty; I was at no time free from Petitions, from Examinations, from signing of Warrants, to call some, to release others, from giving way to speeding and forwarding Acts of Courts; Suitors as their fashion is being so importunate, as that in Summer and Winter, in the day, and in the night, in sickness and health, they would not be denied.

These things were daily dispatched by me out of Duty, and more out of Charity, no allowance being of pay from the King, or of Fee from the Subject, to us that were the Judges: Nay, I may say more, the holding of that Court in such sort as I did, was very expenceful to me out of my private Purse, in giving weekly entertainment to the Commissioners; the reason whereof was this, King *James* being desirous when he made me Archbishop, that all matters should gravely and honorably be carried, directed me, that I should always call some of the Bishops that were about *London*, and some Divines, and Civilians, that by a good presence, Causes might be handled for the reputation of the action, and willed me therewithal to imitate therein, the Lord Archbishop *Whitgift*, who invited weekly some of the Judges to dinner, the rather to allure them thither. This advice proceeded from the Bishop of *Durham* that now is, which was not ill if it came from a good intention.

I obeyed it singly, and did that which was enjoined: But whereas in those times the Commissioners were but few, since that time there hath been such an inundation of all sorts of men into that Company, that without proportion, both Lords Spiritual and Temporal, Commissioners and not Commissioners, resorted thither, and divers of them brought so many of their men, that it was truly a burthen to me. I think it may by my Officers be justified upon Oath, That since I was Archbishop, the thing alone hath cost me out of my private estate One thousand pounds and a half, and if I did say Two thousand pounds, it were not much amiss, besides all the trouble of my Servants; who neither directly nor indirectly gained six pence thereby in a whole year, but onely travel and pains for their Masters honor, and of that they had enough: My Houses being like a great Hostry every Thursday in the Term; and for my expences no man giving me so much as thanks.

Now this being the true Case, if the Church and Commonwealth be well provided for in the Administration of Justice, and regard be had of the Publick, can any discreet man think that the removing of me from this molestation, is any true punishment upon me: I being one that have framed my self to Reality, and not to Opinion, and growing more and more in years, and consequently into weakness,

having

The High
Commission-
ers chargeable
to the Arch-
bishop.

having before surteited so long of worldly shews, whereof nothing is truly gained temporally but vexation of spirit; I have had enough of these things and do not dote upon them: The world, I hope, hath found me more stayed and reserved in my Courses.

Nevertheless, whatsoever was expedient for this, was dispatched by me while I lived at *Lambeth* and *Croyden*, albeit I went not out of door.

A Yea, but you were otherwise inutile, not coming to the *Star-chamber*, nor to the Council-Table?

B My pain or weakness by the Gout, must excuse me herein. When I was younger, and had my health, I so diligently attended at the *Star-chamber*, that for full seven years I was not one day wanting. And for the Council-Table, the same reason of my Indisposition may satisfie: But there are many other things that do speak for me. The greatest matters there handled, were for Money, or more Attempts of War: For the one of these, we of the Clergy had done our parts already; the Clergy having put themselves into Paiments of Subsidy by an Act of Parliament, not only for these two last years, when the Temporality lay in a sort dry, but yet there are three years behind, in which our Paiments run on with weight enough unto us; And no man can justly doubt but my hand was in those Grants in a principal fashion.

C And concerning the Provisions for War, I must confess mine ignorance in the Feats thereof: I knew not the grounds whereupon the Controversies were entred in general: I thought that before Wars were begun there should be store of Treasure; That it was not good to fall out with many great Princes at once; That the turning of our Forces another way, must needs be some diminution from the King of *Denmark*, who was engaged by us into the Quarrel for the *Palatinate* and *Germany*, and hazarded both his Person and Dominions in the prosecution of the Question. These matters I thought upon, as one that had sometimes been acquainted with Councils; but I kept my thoughts unto my self.

D Again, I was never sent for to the Council-Table, but I went, saving one time, when I was so ill, that I might not stir abroad.

E Moreover, I was sure that there wanted no Councillors at the Board, the Number being so much increased as it was. Besides, I had no great encouragement to thrust my crasie Body abroad, since I saw what little esteem was made of me in those things which belonged to mine own Occupation: With Bishopricks, and Deanries, or other Church-Places, I was no more acquainted, then if I had dwelt at *Venice*, and understood of them but by some *Gazette*.

F The Duke of *Buckingham* had the managing of these things, as it was generally conceived: For, what was he not fit to determine, in Church, or Commonwealth; in Court, or Council; in Peace, or War; at Land, or at Sea; at Home, or in Foreign parts?

Montague had put out his *Arminian* Book; I threee times complained of it, but he was held up against me, and by the Duke magnified as a well-deserving man.

Cosens put out his Treatise, which they commonly call [*The Seven Sacraments*;] which, in the first Edition, had many strange

The Archbishops infirmity permitted him not to come to the *Star-chamber*, or Council-Table.

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things in it, as it seemeth : I knew nothing of it, but as it pleased my Lord of *Durham*, and the Bishop of *Bath* : So the World did read.

We were wont in the High-Commission to repress obstinate and busie Papists : In the end of King *James* his time, a Letter was brought me under the Hand and Signet of the King, That we must not meddle with any such matter, nor exact the Twelve-pence for the Sunday of those which came not to the Church, (with which Forfeit we never medled.) And this was told us to be in contemplation of a Marriage intended with the Lady *Mary* the Daughter of *France*.

After the death of King *James*, such another Letter was brought from King *Charles*, and all Execution against Papists was suspended. But when the Term was at *Reading*, by open divulgation in all Courts under the Great Seal of *England*, We and all Magistrates are set at liberty to do as it was prescribed by Law : And now our Pursuivants must have their Warrants again, and take all the Priests they can, whereof Mr. *Croß* took fourteen or fifteen in a very short space. Not long after, all these are set free ; and Letters come from the King under his Royal Signet, That all Warrants must be taken from our Messengers, because they spoiled the Catholicks, and carried themselves unorderly unto them, especially the Bishops Pursuivants : Whereas we had in all but two ; *Croß* my Messenger, for whom I did ever offer to be answerable ; and *Thomlinson*, for whom my Lord of *London* (I think) would do as much. But the Caterpillers indeed, were the Pursuivants used by the Secretaries, men of no value, and shifters in the world, who had been punished and turned away by us for great misdemeanors.

But truth of Religion and Gods service, was wont to overrule humane Policies, and not to be overruled ; And I am certain that things best prosper, where those courses are held. But be it what it may be, I could not tell what to make of this variation of the Compass ; since it was only commanded unto me to put such and such things in execution, but I never understood any thing of the Council, whereby I might give my Judgment how fit, or unfit they were, or might speak to alter the Tenure, whereunto in former times I had been otherwise used. Variety of Reasons breedeth variety of Actions.

For the matter of the Loan, I knew not a long time what to make of it : I was not present when the Advice was taken ; I understood not what was the Foundation whereupon the Building was raised, neither did ever any of the Council acquaint me therewith. I saw on the one side the Kings necessity for Money, and especially it being resolved that the Wat should be pursued ; And on the other side I could not forget, that in the Parliament great Sums were offered, if the Petitions of the Commons might be hearkened unto. It ran still in my mind, That the old and usual way was best ; That in Kingdoms, the harmony was sweetest, where the Prince and the People tuned well together ; That, whatsoever pretence of Greatness, he was but an unhappy man that set the King and the Body of the Realm at division ; That the People (though not fit to be too much cockered, yet) are they, that must pray, that must pay, that must fight for their Princes ; That it could not be, but a Man so universally hated in the Kingdom as the Duke was, must for the preservation of himself desperately adventure on any thing, if he might be hearkened unto.

A These Meditations I had with my self; and God knoweth I frequently in my prayers did beg, That he whom these things did most concern, would seriously think upon them. It ran in my mind, that this new Device for Money could not long hold out; That then we must return into the High-way, whither it were best to retire our selves sometimes, the shortest Errors being the best. But these thoughts I suppressed within my soul; neither did I ever discourage any man from Lending, nor encourage any man to hold back: Which I confidently avouch.

B At the opening of the Commission for the Loan, I was sent for from *Croyden*. It seemed to me a strange thing; but I was told there, That howsoever it shewed, the King would have it so, there was no speaking against it. I had not heard, that men throughout the Kingdom should lend Money against their will; I knew not what to make of it: But when I saw in the Instructions, the Refusers should be sent away for Soldiers to the King of *Denmark*, I began to remember *Urias* that was sent in the Forefront of the Battel; and to speak truth, I durst not be tender in it. And when afterwards I saw, that men were to be put to their Oath, With whom they had had Conference, and whether any did dissuade them? And yet further beheld, that divers were to be imprisoned: I thought this was somewhat a New world. Yet all this while I swallowed my own spittle, and spake nothing of it to any man. Nay, when after some trial in *Middlesex*, the first Sitting was C for *Surrey* in my House at *Lambeth*, and the Lords were there assembled with the Justices of the whole County, I gave them entertainment in no mean fashion: And I sate with them, albeit I said nothing; for the confusion was such, that I knew not what to make of it: Things went on every day, and speech was of much Money to be raised out of some Counties; yet afterwards it was not so readily paid, as preferred; and at length some refused even in *London* it self, and *Southwark*, besides many Gentlemen of special rank, and some Lords, as it was said. And D though it was reported that they were but a contemptible company, yet the Prisons in *London* demonstrated that they were not a very few, but persons both of note and number. The Judges besides concurring another way, That they could not allow the Legality of the Demand, and the Enforcement that is used thereupon, did somewhat puzzle me for being too busie in promoting of that, for which I might one day suffer. Yet hitherto I remained silent, hoping that time would break that off, which was almost come to an absolute period. But in stead of this, E by the permission of God, I was called up to the King to look clearly into the Question. When the Allowance of *Sibthorp's* Pamphlet was put upon me, I then had some reason out of the grounds of that Sermon to fear, (and I pray God that my fear was in vain) that the Duke had a purpose to turn upside down the Laws, and the whole Fundamental Courses; and Liberties of the Subject; and to leave us not under the Statutes and Customs which our Progenitors enjoyed, but to the pleasure of Princes; of whom, as some are gentle and benign, F so some others, to ingreat themselves, might strain more then the string will bear.

Besides now it came in my heart, that I was present at the Kings Coronation, where many things on the Princes part were solemnly promised; which being observed would keep all in order, and the King should have a loving and faithful people, and the Commons should have a

An. 1626. a kinde and gracious King. The contemplation of these things made me stay my Judgment; not any unwillingness to do my Prince any dutiful service, whom I must and do honor above all the Creatures in the world, and will adventure as far for his true good, as any one whatsoever. But I am loth to plunge my self so over head and ears in these difficulties, that I can neither live with quietness of conscience, nor depart out of the world with good fame and estimation. And perhaps my Sovereign, if hereafter he looked well into this Paradox, would of all the world hate me, because one of my profession, age and calling, would deceive him, and with base flattery swerve from the truth. *The hearts of Kings are in the hand of God, and he can turn them as the rivers of water.*

The Arch-
bishops obser-
vation con-
cerning the
rise of the
Duke,

I draw to a conclusion: Only repute it not amiss, (because so much falleth in here) to observe a few words of the Duke of *Buckingham*, not as now he is, but as he was in his rising. I say nothing of his being in *France*, because I was not present, and divers others there be that remember it well; but I take him at his first repair to Court. King *James*, for many insolencies, grew weary of *Somerset*; and the Kingdom groaning under the Triumvirate of *Northampton*, *Suffolk* and *Somerset*, (though *Northampton* soon after died) was glad to be rid of him. We could have no way so good to effectuate that which was the common desire, as to bring in another in his room; One nail (as the Proverb is) being to be driven out by another. It was now observed that the King began to cast his eye upon *George Villiers*, who was then Cup-bearer, and seemed a modest and courteous Youth. But King *James* had a fashion, that he would never admit any to nearness about himself, but such a one as the Queen should commend unto him, and make some suit on his behalf; That if the Queen afterwards being ill intreated, should complain of this *Dear one*, he might make his answer, *It is long of your self, for you were the Party that commended him unto me.* Our old Master took delight strangely in things of this nature.

That Noble Queen (who now resteth in Heaven) knew her Husband well; and having been bitten with Favorites both in *England* and *Scotland*, was very shie to adventure upon this request. King *James* in the mean time more and more loathed *Somerset*, and did not much conceal it that his affection increased towards the other. But the Queen would not come to it, albeit divers Lords (whereof some are dead, and some yet living) did earnestly sollicit her Majesty thereunto. When it would not do, I was very much moved to put to my helping hand; they knowing that Queen *Anne* was graciously pleased to give me more credit then ordinary; which all her Attendants knew she continued to the time of her death. I laboured much, but could not prevail: The Queen oft saying to me; *My Lord, You and the rest of your Friends know not what you do: I know your Master better then you all; For if this Young man be once brought in, the first persons that he will plague must be you that labor for him, yea I shall have my part also; The King will teach him to despise and hardly intreat us all, that he may seem to be beholden to none but himself.* Noble Queen! how like a Prophetess or Oracle did you speak!

Notwithstanding this we were still instant, telling her Majesty that the Change would be for the better: For, *George* was of a good nature, which the other was not; And if he should degenerate, yet it would be a long time before he were able to attain to that height of evil which the other

other had. In the end upon importunity Queen *Anne* condescended, and so pressed it with the King, that he assented thereunto: Which was so stricken while the Iron was hot, that in the Queens Bed-chamber the King Knighted him with the Rapier which the Prince did wear. And when the King gave order to swear him of the Bed-chamber, *Somerſet*, who was near, importuned the King with a message, that he might be only sworne a Groom: But my self and others that were at the door, sent to her Majesty, that she would perfect her work, and cause him to be sworne a Gentleman of the Chamber. There is a Lord or two living that had a hand in this atchievement; I diminish nothing of their praise for so happy a work: But I know my own part best; and, in the word of an honest man, I have reported nothing but truth. *George* went in with the King; but no sooner he got loose, but he came forth unto me into the Privy-gallery, and there embraced me: He professed that he was so infinitely bound unto me, that all his life long he must honor me as his Father. And now he did beseech me that I would give him some lessons how he should carry himself. When he earnestly followed this chace, I told him I would give him three short lessons, if he would learn them. The first was, That daily upon his knees he should pray to God to bless the King his Master, and to give him (*George*) grace studiously to serve and please him. The second was, That he should do all good offices between the King and the Queen, and between the King and the Prince. The third was, That he should fill his Masters ears with nothing but Truth. I made him repeat these three things unto me, and then I would have him to acquaint the King with them, and so tell me when I met him again, what the King said unto him. He promised me he would; and the morrow after, Mr. *Tho. Murrey* the Princes Tutor and I standing together in the Gallery at *Whitehall*, Sir *Geo. Villeirs* coming forth and drawing to us, he told Mr. *Murrey* how much he was beholden unto me, and that I had given him certain Instructions; which I prayed him to rehearse, as indifferently well he did before us; yea, and that he had acquainted the King with them, who said, They were Instructions worthy of an Archbishop to give to a Young man. His countenance of thankfulness for a few days continued, but not long either to me, or any other his Welwishers. The Roman Historian *Tacitus* hath somewhere a note, That benefits while they may be requited seem courtesies; but when they are so high that they cannot be repaid, they prove matters of hatred.

Thus, to lie by me to quicken my remembrance, I have laid down the Cause and the Proceedings of my sending into *Kent*, where I remain at the writing of this Treatise: Praying God to bless and guide our King aright; To continue the prosperity and welfare of this Kingdom, which at this time is shrewdly shaken; To send good and worthy men to be Governors of our Church: To prosper my mind and body, that I may do nothing that may give a wound to my Conscience; and then to send me patience quietly to endure whatsoever his Divine Majesty shall be pleased to lay upon me; *Da quod jubes, & jube quod vis!* And in the end to give me such a happy deliverance either in life or death, as may be most for his glory, and for the wholsom example of others, who look much on the Actions and Passions of Men of my Place.

11. 1627.

Among those many Gentlemen who were imprisoned throughout England for refusing to lend upon the Commission for Loans, only Five of them brought their *Habeas Corpus*, viz. Sir *Thomas Darnell*, Sir *John Corbet*, Sir *Walter Earl*, Sir *John Heveningham*, Sir *Edward Hampden*.

In *Michaëmas* Term 3 *Caroli*, a Return was made of their several Commitments. [To instance only in one, all the rest being in the same form.] The Warden of the Fleet made this Return:

"That Sir *Walter Earl* Knight named in the Writ, is detained in the Prison of the Fleet in his Custody, by special Command of the King to him signified by Warrant of several of the Privy-Council, in these words:

Whereas Sir Walter Earl Knight was heretofore committed to your Custody, These are to will and require you still to detain him, letting you know that both his first Commitment, and direction for the continuance of him in Prison, were and are by his Majesties special commandment.

From Whitehall, Novemb. 7. 1627.

Tho. Coventry, &c.

Sir *Thomas Darnell* was the first that was brought to the Bar upon that Writ; where the Kings Attorney-General Sir *Robert Heath* did inform the Court, that his Majesty told him, He heard that some of the imprisoned Gentlemen for the Loan did report, That the King did deny them the Course of Justice; And therefore his Majesty commanded him to renew the Writ of *Habeas Corpus*, lest they should not move for another themselves, by reason the Warden of the Fleet had not returned the first according to his duty.

To this Sir *Thomas Darnell* replied, That such words never came into his thoughts: And did humbly pray they might make no impression upon the Court to the disparagement of his Cause; for he was accused of that he was in no manner guilty of. Upon which Sir *Nicholas Hide* Chief Justice said, That he had made a fair and temperate Answer: And you may perceive (said the Chief Justice) the upright and sincere proceedings which have been in this business: You no sooner moved for a *Habeas Corpus*, but it was granted you; you no sooner desired Council, but they were assigned you, though any Council might move for you without being assigned, and should have had no blame for it: The Kings pleasure is, his Law should take place and be executed, and for that do we sit here; And whether the Commitment be by the King or others, this Court is the place where the King doth sit in person to do right, if injury be done: And we have power to examine it; and if it appear that any man hath wrong done him by his Imprisonment, we have power to deliver and discharge him; if otherwise, he is to be remanded by us to Prison again. And the Attorney-General, after the Chief Justice had spoken, said, Though this be a Case which concerns the King in an high degree, yet he hath been so gracious and so just, as not to refuse the Examination and Determination thereof according to the Laws of the Kingdom.

Then the Court proceeded to hear the Arguments made in the Prisoners behalf. Mr. *Noy* argued for Sir *Walter Earl*, Serjeant *Bramston* for Sir *John Heveningham*, Mr. *Selden* for Sir *Edward Hampden*, Mr. *Calthrop* for Sir *John Corbet*, who were all assigned of Council with the Prisoners

by

by the Court of Kings-Bench, upon a Petition delivered by them to that purpose. After they had argued, Mr. Attorney had a day appointed to argue for the King. It is not our intention to take up the Readers time with the Arguments at large, either by the one side, or the other: We shall only hint unto you some generals, chiefly concerning the form of the Return of the Writ. The first Exception taken by the Council for the imprisoned Gentlemen, was to the form of the Return.

- A
1. For that the Return is not positive, but referred to the signification made by another, (by the Lords of the Council.)
 2. The Keepers of the Prisons have not return'd the Cause of the Commitment, but the Cause of the Cause, which they held not to be good.
 3. That the Return of the Commitment is imperfect, for that it sheweth onely the Cause of the detaining in Prison, and not the Cause of the first Commitment.

B Lastly, That the Return is contradictory in it self: For that in the first part thereof it is certified, that the detaining of those Gentlemen in Prison is *per speciale mandatum Domini Regis*; And when the Warrant of the Lords of the Council is shewn, it appeareth that the Commitment is by the command of the King signified by the Lords of the Council.

C The second general Exception was to the matter of the Return; and that was touching the Imprisonment, *per speciale mandatum Domini Regis*, by the Lords of the Council, without any Cause expressed. Wherefore, said Mr. Selden, by the constant and settled Laws of this Kingdom (without which we have nothing) no man can be justly imprisoned either by the King or Council, without a Cause of the Commitment; and that ought to be expressed in the Return. The Law saith expressly, No Free-man shall be imprisoned without due Process of the Law: *Nullus liber homo capiatur vel imprisonetur nisi per legem terra, &c.* And in the Charter of King John there are these words, *Nec cum in carcerem mittimus*, We will not commit him to Prison; that is, *The King himself will not.*

D This right (said Serjeant Bramston) is the onely means that a Subject hath whereby to obtain his Liberty; and the end of it is to return the Cause of the Imprisonment, that it may be examined in this Court whether the parties ought to be discharged or not: Which cannot be done upon this Return; for the Cause of the Imprisonment is so far from appearing particularly by it, that there is no Cause at all expressed: And the Writ requires that the Cause of the Imprisonment should be returned, and the Cause ought to be expressed so far, as that it ought to be none of those Causes for which by the Laws of the Kingdom the Subject ought not to be imprisoned; and it ought to be expressed, that it was by Presentment or Indictment, or upon Petition or Suggestion made unto the King. For (said he) observe but the consequence: If those Gentlemen who are committed without any Cause shewn, should not be bailed, but remanded; the Subjects of the Kingdom may be restrained of their Liberty for ever, and by Law there can be no remedy. We shall not reflect upon the present time and Government; but we are to look what may betide us in time to come hereafter. The Laws are called the great Inheritance of every Subject, and the Inheritance of Inheritances, without which we have nothing that deserves the name of Inheritance.

F If upon a *Habeas Corpus* a Cause of Commitment be certified, then (said Mr. Noy) the Cause is to be tryed before your Lordships; but if no Cause be shewn, the Court must do that which standeth with Law and Justice, and that is to deliver the party. The Commons did complain in

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Ed. 3. his time, that the great Charter and other Statutes were broken; They desired, that for the good of himself and his people they may be kept and put in execution, and not infringed by making any Arrest by special command, or otherwise. And the Answer which was given them was this, That the said great Charter and other Statutes should be put in execution according to the Petition, without disturbance of Arrests by special command; And the King granteth the Commons desire in the same words as they were expressed in their Petition. And afterwards complaining again, That notwithstanding this Answer of the King, they were imprisoned by special command, without Indictment or other legal course of Law: The Kings Answer was upon another Petition unto him, That he was therewith well pleased; And for the future he added further, *If any man be grieved, let him complain, and right shall be done.* And forasmuch as it doth not appear to the Court, that there was any Cause of the Commitment of these Members, no Charge against them, no Indictment or Process according to the Laws: Wherefore Mr. Noy prayed they might be no longer detained in Prison, but be bailed or discharged.

Admit the Commitment of the Command of the King was lawful, yet, said Mr. Galthorp, when a man hath continued in prison a reasonable time, he ought to be brought to answer, and not to continue still in prison without being brought to answer; For that it appeareth by the Books of our Laws, that Liberty is a thing so favored of the Law, that the Law will not suffer the continuance of a man in prison for any longer time then of necessity it must: And therefore the Law will neither suffer the Party, Sheriffs or Judges to continue a man in prison by their power and pleasure. It doth speak of the delivery of a man out of prison with as reasonable expedition as may be: And upon this reason it hath been resolved, that howsoever the Law alloweth that there may be a Term between the *Teste* of an Original Writ, and the Return of the same, where there is only a Summons, and no Imprisonment of the body; yet the Law will not allow that there should be a Term between the *Teste* of a Writ of *Capias*, and the Return of the same, where the body of a man is to be imprison'd; inso-much that it will give no way that the party shall have power to continue the body of a man longer time in prison then needs must; so tender is the Law of the Subjects Liberty.

Monday the 27. of November, the Attorney-General argued for the King, That this was a very great Cause, and hath raised great expectation; and he was afraid that those Gentlemen whom it concerns, have rather advised their Councils, then their Councils them. For the first Exception, That the Return is not positive, but hath relation to some others; He did conceive it was positive enough: For (said he) the words are, *Quod detentus est sub custodia mea per speciale mandatum Domini Regis*: The other words [*mihi significatum*] they follow after, but are not part of the affirmation made before it. And if they will have it as they seem to understand it, then they must return the words thus; *Quod significatum est mihi per Dominos Privati Consilii, quod detentus est per speciale mandatum Domini Regis*; And then it had not been their own proper Return, but the signification of another, the Lords of the Council. The turning of the sentence would resolve this point; the thing it self must speak for it self: It is clear, it is a positive Return, that the detaining is by the command of the King; and the rest of the Return is rather satisfaction to the Court, then any part of the Return. And for the other Exception, That the Cause of the Cause is returned, and not the Cause it self; He said, Among the

Logi-

Logicians there are two Causes; there is *Causa causans*, and *Causa causata*. The *Causa causans* here in this Case, is not the Warrant from the Lords of the Council, for that is *Causa causata*: But the primary and original Cause, which is *Causa causans*, is, *Speciale mandatum Domini Regis*; the other is but the Councils signification, or testification, or Warrant for him that made the Return. And for the other Exception, The Cause is imperfect, because it shews only the Cause of detaining in Prison, and not the Cause of the first Commitment; He conceives it is sufficient for an Officer of the Law to answer, That the Writ is a Command to make a Return of the detaining of the Prisoner, and he accordingly makes a Return of the Detention; and if the Keeper of the Prison had only said they were detained *per speciale mandatum, &c.* it had been good.

Then he proceeded to the matter of the Return, and to answer the Book-Cases and Records that had been cited by the Council for the Prisoners, and to produce Presidents on the Kings behalf; which are extant in Print, to which the Reader is referred.

Afterwards Sir *Nicholas Hide* Chief Justice, Justice *Dodderidge*, Justice *Fones*, and Justice *Whitlock* being upon the Bench, and Sir *John Heveningham* and the forementioned Prisoners being brought to the Bar, Sir *Nicholas Hide* Lord Chief Justice, by the consent and direction of the Judges, spake to this purpose:

That the Court hath seriously considered what hath been spoken by either side, and are grown to a resolution; And that his Brothers have enjoined him to deliver unto you the resolution of the whole Court; And therefore (said he) though it be delivered by my mouth, it is the resolution of us all. I am sure you expect Justice from hence, and God forbid we should sit here but to do Justice to all men according to our best skill and knowledge, as it is our oaths and duties so to do. But this is a Case of very great weight, and great expectation, and requires more solemn Arguments then the time will now permit. The Exceptions which have been taken to this Return, are two; the one for the form, the other for the substance. First for the form, because it is not returned, as they say, positively and absolutely, but with reference to a Warrant of the Lords of the Council: Now the Court is of opinion, That this is a positive and absolute Return, upon this reason, That the Keeper of the Prison first returns, that they are detained by the special command of the King; And if they had ceased there, it had been positive: And for that which follows, That it was signified to him by the Lords of the Council, this is only to certify the Court that he returned the Cause truly, and not to shew us that he had no knowledge of the Cause but by the signification of the Lords of the Council: There is not one word in the Writ that demands the cause why they were taken, but why they are detained. So that that point in the Writ is sufficiently answered, which was only to certify the cause of the detention: And therefore we resolve, That the form of this Return is good.

The next thing is the main point in Law, Whether the substance or matter of the Return be good, or no? Where in the substance is this; He doth certify that they are detained in Prison by the special command of the King: And whether this be good in Law, or no, is the Question. Here the Lord Chief Justice did mention the several Presidents and Book-Cases cited by each side, too long to be here related.

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And concluded, That that which is now to be judged by us, is this, Whether one that is committed by the Kings authority, and no Cause shewn of his Commitment, according as here it is upon this Return, whether we ought to deliver him by Bail, or to remand him back again? Where by the way you must know, that we can take notice only of *this Return*; That when the Case appears to us no otherwise then by the Return, we are not bound to examine the truth thereof, but the sufficiency of the Return: We cannot judge upon rumors or reports, but upon that which is before us on Record, which is examinable by us whether it be sufficient, or not.

Mr. *Attorney* hath told you, That the King hath done it; And we trust him in great matters: And we make no doubt but the King, if you seek to him, knowing the cause why you are imprisoned, will have mercy; but we leave that, we must not counsel you: If in Justice we ought to deliver you, we would do it; But upon these grounds, Records, Presidents and Resolutions cited and produced, the Court is of opinion they cannot deliver you, but you must be remanded.

Various Reports concerning the Army at *Rhee*.

Whilst these Arguments about the Loan were in agitation, (which began in *October* in *Michaelmas*-Term) various Reports and Advertisements came from the Isle of *Rhee*: Sometime, That they were in a Treaty with the Duke to surrender the Citadel unto him; Others wrote, That it was but a device of the Governor to get time till Relief came: And many were dissatisfied with the Presents and Complements which passed between the Duke and the Governor of the Citadel; Civilities to an enraged Enemy (as was said) seldom producing good effect. Besides it was observed, the Governor by his frequent sending out of Messengers (though in a military way with Drums and Trumpets) gave the Enemy advantage of seeing the Works and Army. But the Vulgar sort at home spake more plainly of the miscarriages at *Rhee*, how all things went there---*The clean contrary way*,

It hath been observed, when things come to be *Vox populi*, it is commonly an ill presage: But at this time, persons of better quality and judgment gave out odd speeches concerning Affairs at *Rhee*; That the business could not go well at the Isle of *Rhee*; That there must be a Parliament; That some must be sacrificed, That Bishop *Laud* was as like as any. The Bishop hearing of these speeches, and that they were doubled, being spoken by several persons, he acquainted the King therewith; who replied unto him, *Let me desire you not to trouble your self with any reports, till you see me forsake my other Friends, &c.* And the Parliament which afterwards followed (said Bishop *Laud*) sought his ruine, which by the Kings sudden dissolution thereof was prevented, and the Kings other Friends by that means not forsaken.

A further Supply preparing for *Rhee*, and to be conveyed thither by the Earl of *Holland*.

Notwithstanding these reports, the King is resolved speedily to set to Sea divers Ships with a further supply of Soldiers to be sent to the Army in the Isle of *Rhee*; and commands to press certain Companies of Soldiers and Mariners, who were to rendezvous at *Plymouth*, and from thence to be imbarqued and disposed as aforesaid. In order to which service, the King by Commission appointed the said Soldiers and Mariners to be at present under the Command of *Charls L. Vicount Wilmot*: But afterwards his Majesty by Commission did constitute and appoint the Earl of *Holland* to repair to *Plymouth*, and there to take into his charge and under his command, the oversight, rule, order and government

vernment of all the said Soldiers and Mariners both at Sea and Land, and to see them, and all Provisions and Necessaries to be shipped, and with all conveniencie to be transported and conducted to the Isle of *Rhee*; and a Squadron of Ships was also appointed for their transportation, and he was to deliver them under the command of the Duke of *Buckingham* Admiral of *England*, and General of the Army.

But before the Earl of *Holland* set sail, let us see what they are doing at the Isle of *Rhee*.

The first news we meet with there, is, That the *French* (notwithstanding our Army at Land, and a hundred Sail of Ships at Sea) had got into the Harbor with relief of Provisions: And that Sir *John Burroughs*, the 20. of *September*, going to take a view of the Works, was shot with a bullet, whereof he presently dyed; His death was much lamented, having been a great Honor to the English Nation both at home and abroad.

About this time landeth Sir *Pierce Crossby*, and some other Commanders, with about Sixteen hundred *English* and *Irish*, which came as an Assistance to the Forces before *Rhee*. And now *Toras* the Governor began to foresee want, notwithstanding his late supply, and to study all ways and means how to give advertisement to the King of *France* of the low condition he was reduced unto. *Sandgrein*, a Frenchman, adventured out of the Citadel, and privately escaped the Guards, and got with Intelligence to the King of *France*: Yet *Toras* fearing lest he might miscarry, prevailed with three of his men, promising large rewards, to adventure their lives, and to swim to the shore of the main Continent: Two miscarried, but the third got safe, and delivered the Message which the Governor entrusted him with. In the mean time more small Vessels got into the Harbor under the Citadel, and was a further (though small) Supply unto them.

But the King of *France* was extremely allarm'd by the advertisement from *Toras*, and thereupon blocks up *Rochel* with his Army, as if he had designed the taking of it; but the main end in seeming to design the Army against *Rochel*, was thereby to take the opportunity to be near at hand to land Forces under the favor of the Little-Fort, so much neglected at first, and to put Victuals into the Citadel at *S. Martins*, which was at that time reduced to a low condition. And the same was effected time after time, and supplies of men and victuals got in, notwithstanding the English Guards at Land and Sea, which now and then took some of the Vessels; but nevertheless so much provision got in, as served their occasion in the Citadel to the end of the Siege.

Now the *Rochellers*, after they had in vain continued promises of obedience to the King of *France*, and entertained a division among the Protestants, one Party crossing another, and finding the evil consequence of the division, they put forth a *Manifesto*, and declare for *England*; and the Duke of *Rhoan* having given Commissions to raise Forces to assist the *English*, declareth in preservation of the Edict of two Peaces, and protesteth not to demand any thing but the observation of the said Edicts. On the other part the King of *France* declareth and promiseth, That he will on his part observe the said Edict: And further declares the Duke of *Rhoan* to be drawn to death; and declares *Sobiez* a Traitor, and that he that should kill him, should be accounted Noble.

3 *Caroli.*

The Citadel at *Rhee* relieved.

Sir *John Burroughs* slain.

Toras sends intelligence to the King of *France*.

The *Rochellers* at last declare for *England*.

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A Treaty for
Surrender be-
tween the
Duke and
Toras.

By this time the *French* had got a great supply of Shipping from the *Spaniard* for their assistance, which with their own made up above a hundred Sail, (exceeding the English Navy in number) yet did avoid engaging with the English Fleet, exercising all their skill and art how to get in a good and round supply of Provision into the Citadel; and *Toras* the Governor employed his wit to gain time to that end, by entertaining a Treaty of Surrender upon honorable terms; and prevails with the Duke that he may first send to the King of *France*, that he might come off with honor: The Duke consents thereunto, on condition that an English Gentleman, an Attendant upon the Duke, might go with that Party which *Toras* sent, and have a safe conduct through *France* to pass into *England*. And so they both go to the Court of *France*, where the English Gentleman was secured, but the Party whom *Toras* sent did his errand, and no doubt gave the King of *France* a perfect account of their condition in the Citadel; whilst the English Gentleman was detained that he could not do the like service for the King of *England*, in delivering to him what he had in command from the Duke. The French Gentleman returns to the Leagure at *S. Martins*; but by reason the English Gentleman was not permitted to go for *England*, the Frenchman was not permitted to go again into the Citadel.

A

B

The Citadel
reliev'd again

Toras again renews the Treaty, pretending that if he had not Relief such a day by such an hour, he would surrender: And spun out the time so long, that in good earnest Relief got in both of men, victuals and ammunition; and the same Vessels which brought the Relief, carried away the sick and wounded, and unserviceable men in the Citadel. So the Treaty proceeded no further; and the Enemy holds upon their Pike-heads Mutton, Capons, Turkies, &c. to let the English see they had no want. Now we go to work with Mine and Battery; And presently also comes news, that the French had landed more Forces near the *Meadow-Castle*, (a place also at the first neglected, though then unmanned) And orders are given to draw out men (leaving the Trenches unguarded) to encounter the French that were landed: Which was performed with some reasonable success; but the Enemy got security under the Castle, and thereupon the English retreated, and were enforced to fight to recover their Trenches, which the Enemy had now possessed, and many mens lives were lost in the regaining thereof.

C

D

A Retreat re-
solved on.*Sobiez* against
it.

This last refreshment of the Enemy (being about the middle of *October*) caused the Duke to enter into Council, and to think of a resolution for a Retreat; which he communicated to *Sobiez*, and tells him further, That the season is past, his Army diminished, his Victuals consumed, and his Council of War had judged it fitting to retire. *Sobiez* answered the Duke, That the Earl of *Holland's* Fleet was coming with Supplies; that the Relief given was not considerable; that the Retreat would draw after it the loss of *Rochel*, and thereby make *Sobiez* guilty of the ruine thereof; but above all, it would bring an irreparable prejudice and dishonor upon his Master of *Great Britain*, that had made an Enterprize of so little honor and profit. Upon this the Duke continues the Siege, and shortly after resolves to storm the Citadel and Works; to which (it was said) the English Commanders were much averse, but the French Commanders were zealous for it: And so for a farewell, *Novemb. 6.* a vain Attempt was made on all sides of the Citadel. In short, we lost men and honor; for the Fort was unaccessible, besides well manned with fresh supplies of men newly put in: And having left many dead and hurt, we were

E

F

The Citadel
stormed.

forced

forced to retire. This ill success, with the advise given that the Troops of the other Forts did increase, (the French, notwithstanding our Shipping, pouring their Forces amain into the Island) hastened the Duke to raise the Siege and to retreat, to ship his men again for *England*.

3 *Caroli.*

Novemb. 8. early in the morning the Drums beat, and the Army prepares for a March; but scarce had the Rearguard come out, but the Troops of the Enemy appeared equal in number for Foot, and far stronger in Horse, which the Enemy had (during the Siege) landed in the Island under the favor of the Little-Fort, and the Meadow-Castle, (the two places so strangely omitted at the first to be possessed by the English :) Yet notwithstanding their strength, and the advantage of falling upon an Army on a retreat, which had endured much hardship and received many discouragements, would not the Enemy engage in plain field, when the Duke several times drew up the Army in their march, and made a stand in hopes of a Battel. But the wary French Commander shunned the hazard of Fight on equal terms, foreseeing a greater advantage with less hazard: For no sooner were the English entred into the Narrow Causey and Lane, having on each hand deep ditches and Salt-pits, but the Enemy observed the advantage, and that the English had neglected to raise a Fort at the entry of the Causey to secure their retreat, and (yet worse) that they had not raised a Fort at the further end thereof near the Bridge to secure the passage over it, but had only raised a small Work not tenable on the further side of the Bridge, whereupon the Enemy advanced with great fury on a weak Rearguard of Horse, and quickly put them to a retreat; who in that Narrow Causey disordered the Foot, and the Enemy thereby took the advantage, followed close and did much execution upon the English: Those who escaped the sword, were drowned in the Salt-pits and Ditches; and the Crowd was so great on the Bridge, (the Enemy pursuing them over) that many English were drowned in the River. Yet in this discomfited condition the English took courage, faced about, rallied their Forces, made up a smart body that drew up to fight the Enemy; but the French (not daring to engage but upon great advantage) were enforced to retreat over the Bridge. The English lost several hundreds of men, and many Colors, and great was their dishonor: The loss of the men was not so great, as that they were left upon so unequal terms, where the proof and valor of an Englishman could not put forth it self.

The Army retreats.

The Enemy engageth the Rear of the Army.

Novemb. 9. the Army was shipped, and the Duke promiseth the *Rochellers* to come again to their relief, and presently after set sail for *England*, meeting with the Earl of *Holland* as he was setting out of *Plymouth* coming with a Supply.

And now every man passeth his censure upon this Expedition: Some laying the fault upon the Duke, (1) For being too slow in his march after the first landing, whereby the Enemy got in provision and heartned his men. (2) In being too remiss during the Siege, in not preventing provisions for going into the Citadel, by doubling Guards at Land and Sea, when the wind stood fair. (3) In omitting to take in the Little Fort, from whence (as it was said) proceeded all the misery that afterwards followed. (4) In retreating before all things were certainly prepared in order to a secure march in narrow places and passages. The Duke pleaded for himself, That he acted for the most part by the advice of a Council of War; and if Orders were given, and not observed, it was not his fault: That had the Earl of *Holland* come with a Supply of shipping, men and victuals, so soon as he might and ought to have done, he had then without doubt so narrowly

Several opinions concerning this Expedition to *Rhe*

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The misfortune of *Rhee*-Expedition, caueth a clamor in the Nation.

rowly blocked up the Harbor to the Citadel by Sea, that no Provision should have got into it. The Earl of *Holland* answered for himself, That when he was ready to have gone aboard the Fleet at *Plymouth*, the Ships with Provision were not come out of *Chattam*; and when the Provisions were shipt, time was spent before he could get them to a Rendevouz; and when they were come to a Rendevouz, and he ready to set sail with the whole Fleet, the winds proved contrary. But some of the chief Commanders when they came into *England*, spake somewhat loudly of other miscarriages at *Rhee*, pleading much on the behalf of the Council of War.

And now when the unfortunate Action of *Rhee* was known and published throughout the Nation, the cry of the People was so great, and the Kings necessities so pressing, that it was in every mans mouth, A Parliament must needs be summoned: For we have now provoked two potent neighbor Kings, and near Enemies; our Coasts and Ports were unguarded, our able Commanders worne away or not employed: The Mariners come in multitudes to the Court at *Whitehall*, in great disorder and confusion crying out for Pay, and much ado there was to appease them: The Enemies come into our Harbors, survey our Rivers, and the Fishermen can scarce look out: A vast number of our Ships have been lost and taken in the three years past, and the Merchants cease to build more, because they were prest for the Kings service at a low rate, and not paid; and the Mariners flee from their own employment, fearing to be prest again; And our Enemies grow upon us, especially in the Eastern Countries.

We give you here a brief Account of such Arrearages as were behind and unpaid for Freight of Ships, Seamens Wages, and Materials for Shipping, in the Years 1625, 1626, & 1627.

A List of Arrearages for freight of ships and Sea-mens wages.

Anne-Royal.
Repulse.
Assurance.
Nonsuch.
Walispire.
Adventure.

Triumph.
Victory.
S. George.
S. Andrew.
Rainbow.
Vanguard.
Red-Lion.
S. Esperite.
Gard-Land.
Conveffine.
Antelope.
Entrance.

FOR freight of Merchants and *Newcastle*-Ships employed in his Majesties service, and for several Bills of provisions yet unpaid in the years 1625, & 1626, according to the former Estimates & Privy-seals passed for the same —

For the freight of sundry Merchants and *Newcastle*-ships employed in his Majesties service to the Isle of *Rhee* and other places, in the year 1627 —

For Seamens wages in the same year 1627, ending the last of this moneth —

The repairing of the Hulls & Masts of the said Ships to make them fit only for employment in the Narrow-Seas, together with repair, and for setting forth of the *Nostredame* and *Sea-waller*, two Prize-ships —

For repairing the said Ships mentioned in the margin, for their Hulls, Masts, &c. at 1000 marks apeece —

For supply of 700 Tuns of Cordage taken out of his Majesties Stores, for furnishing to Sea of several Fleets, at 26 l. 13 s. 4 d. per Tun, being demanded upon several Estimates to be made good at the end of each service, and yet unpaid —

Besides these Arrears, there were Demands made by the Navy for supplying the Stores with Mast, Timber, Plank, Deal, Sales, Ropes, Tar, Tallow, Iron, Anchors, &c. the Sum of —

A The *Rochellers*, after the Dukes arrival in *England*, sent their Deputies to his Majesty for succor and relief in their distressed condition, and presented their Desires in nature of a Remonstrance to the King and the Lords of the Council; wherein they gave his Majesty most humble thanks for the great assistance and comfort they had received by the Fleet sent in *July* last, whereof the Duke of *Buckingham* was Admiral, which would have been of greater assistance unto them, had the season of the year permitted their stay longer there, or that the supply of Victuals and Ammunition had come unto them which his Majesty had assigned. That they are given to understand, that there is application made to the King of *Denmark* to propound the making of a Peace between the two Crowns of *England* and *France*, a thing to be wished (if really intended:) But the Proceedings of *France* with the Reformed Churches there, hath hitherto been such, as when they spake most fair, and nothing but Peace uttered, nothing less was intended, and great advantages thereby have been taken B against the Reformed Churches. But in case the Treaty do proceed, they humbly prayed, that then his Majesty will be pleased to insist upon the Capitulation which was made upon his mediation, and for which he passed his word that the Reformed Churches should perform on their part, which they kept inviolable till there were Forces placed and kept in Forts against them contrary to Capitulation, and more Forces drawn down in order to the reduction of the Remonstrants, and a Fleet unexpectedly come upon them to destroy their Navigation, when nothing on their part was offered in violation of the Treaty.

C They did further remonstrate, That now the Forces of *France* are breaking down apace about them totally to block them up by Land, and do intend to make a Barracado cross the Channel, leaving a narrow passage for the flux and reflux of the Sea, and by that means to stop all manner of Provisions by Sea; which evidently remonstrates their further ruine, if they with all expedition have not succor and help from his Majesty of *Great Britain*: For their necessities and straits are very great already, by reason their Magazines are consumed, their monies spent, and D the Inhabitants reduced to small allowances. And therefore do beseech his Majesty with all possible diligence to send them supply of all sorts of Provisions fit for a Siege, and to succor them once more with the Navy-Royal to interrupt the blocking up of the River, otherwise they are inevitably lost. And lastly they did humbly beseech his Majesty and the Lords of his Council to have also so far pity of their indigence and need, as to permit a General Collection to be made in *England* and *Scotland*, of such E persons whom God shall move to contribute to their succor and relief. And declare that they are resolved still to hold out, hoping yet a Relief would come that might be of advantage unto them; and they were assured thereof by the Duke of *Buckingham* at his departure, that he would once more come in person to their assistance.

F In this state of Affairs, it is said, Sir Robert Cotton being thereunto called, presented his Advice to certain Lords of the Council in manner following.

A S soon as the House of *Austria* had incorporated it self with *Spain*, and by their new Discoveries gotten to themselves the Wealth of the *Indies*, They began to affect, and have ever since pursued a Fifth Monarchy. The Emperor *Charls* would lay the first Foundation of *Italy*,

Sir Robert Cotton's Advice touching the present state of affairs.

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by surprising *Rome*: From this he was thrust by force, and respect of Religion, *Hen. 8.* being made *Caput Fæderis* against him. He then attempted *High-Germany*, practising by faction and force to reduce them first to Petty States, and so to his absolute power: In this *Hen. 8.* again prevented him, by laying the Lutheran Princes under his Confederacie and assistance. His Son the Second *Philip* pursued the same Ambition in the *Netherlands* of *Germany*, by reduction whereof he intended to make his way further into the others. This the late Queen of *England* interrupted, by siding with the afflicted people on the one part, and making herself the Head of the Protestant League with the Princes on the other part, drawing in secret of State the countenance of *France*, to give the more reputation of assistance to them, and security to it self.

Spain seeing his hopes thus fruitless by these Unions, and streights, began first to break, if he might, the Amity of *France* and *England*: But finding the Common danger to be a fast tie, he raiseth up a party in that Kingdom of his own; by which the French King was so distressed, that had not the English Council assisted and relieved him, *Spain* had there removed that next and greatest Obstacle of his Ambition.

His Council now tells him from these examples, That the way to his great work is impossible, so long as *England* lay a let in his way; And adviseth him, that the remove of that Obstacle be the first of his intents. This drew on those often secret practises against the person of the Queen, and his open fury in *Eighty Eight* against the body of the State: which she perceiving, following the advice of a free Council, would never after admit of a Peace; winning thereby the hearts of a loving people, who ever found hands and money for all occasions at home, and keeping sacredly all her Alliances abroad, securing to her Confederates all her time freedom from fear of Spanish slavery, and so ended her old and happy days in glory.

Spain then, by the wisdom and power of that great Lady, despoiled so of his means to hurt, though not of his desires, makes up with her Peaceful Successor of happy memory that Golden League; That disarming us at home by the opinion of Security, and giving them a power in our Councils by believing their Friendships and pretended Marriage, gave them way to cherish amongst us a Party of their own, and benefit of power abroad to lead in Jealousie and some division between us and our Confederates: By which we see they have swallowed up the Fortune of your Majesties Brother's Estate, with the rest of the Imperial States; distressed the King of *Denmark* by that quarrel; diverted *Sweden's* assistance by the Wars with the *Pole*, and moving them now with offer of the Danish Crown; And now (whether from the Plot of our Fatality) hath cast such a bone between *France* and us, as hath made themselves by our quarrel of Religion a fast Confederate, and us a dangerous Enemy. So as now we are left no other assurance against their malice and ambition, but the *Netherlands*, where the tie of mutual safety is weakned by daily discontents bred and fed between us by some ill-affected to both our securities, that from the doubtfulness of friendship as we now stand, we may rather suspect from our own domestick Faction, if they grow too furious, they will rather follow the example of *Rome* in her growing (that held that equal safety, honorable and more easie, *care regnum*, then *subjugare provinciam*) considering the power they have in their hands, then to give any friendly assistance to save the present condition of a State. You may therefore see in what terms we stand abroad, and I fear we are

at home for resistance in no better state. There must be to withstand a Foreign Invasion, a proportion both of Sea and Land-Forces: For to give an Enemy an easie passage, and a Port to relieve him in, is no less then to hazard all at one stake.

And it is to be considered, That no March by Land can be of that speed to make head against the landing of an Enemy. Then that follows, That there is no such prevention, as to be Master of the Sea. To this point of Necessary Defence, there can be no less then Two hundred and forty thousand pounds.

For the Land-Forces, if it were for an Offensive War, the men of less livelihood were the best spared; and we used formerly to make such War *Purgamenta reipub.* if we made no further purchase by it. But for the safety of a Commonwealth, the wisdom of all times did never intrust the Publick Cause to any other then to such as had a portion in the Publick Adventure. And that we saw in *Eighty Eight*, when the care of the Queen, and of the Council, did make the body of that large Army no other then of the Trained Bands, which with the Auxiliaries of the whole Realm, amounted to no less then Twenty four thousand men. Neither were any of these drawn from forth their Country and proper habitations, before the end of *May*, that they might be no long grievance to the Publick; such Discontentments being to us a more fatal Enemy, then any Foreign forces.

The careful distributing and directing of their Sea and Land-forces, being more fitting for a Council of War, then a private man to advise of, I pass over; yet shall ever be willing and ready, when I shall be called, humbly to offer up such Observations as I have gathered by the former like occasion in this Realm.

To make up this Preparation, there are requisite two things, Money, and Affections; for they cannot be properly severed. It was well and wisely said of that great and grave Councillor the Lord *Burleigh* in the like case, to the late Queen; *Win hearts, and you have their hands and purses.* And I find that of late, Diffidence hath been in the one, and hath unhappily prevented the other.

In gathering then of Money for this present need, there are three things requisite, *Speed, Assurance, and Satisfaction*; And the way to gather (as in other like cases hath been done) must be by the path-way formerly called *Via regia*, being more secure and speedy: For by unknown and untrodden ways, it is both rough and tedious, and never succeedeth well. This last way, although it took place as it were by a Supply at first, and received no general denial, yet since, it hath drawn many to consult with themselves and others in the consequence, as it is now conceived a pressure on their Liberties, and against Law. I much fear, it that now again it be offered, either in the same face, or by Privy-seal, it will be refused wholly. Neither find I that the restraint of the Recusants hath produced any other effect, then a stiff resolution in themselves and others to forbear. Besides, although it were at the first with some assurance, yet when we consider the Commissions and other forms incident to such like services, as that how long it hangs in hand, and the many delays that are, we may easily see that such a Sum granted by the Parliament, is far sooner and easier levied.

If any will make the succession of times to produce an inevitable necessity to enforce it if denied, whether in general by Excise or Imposition, or in particular on some select persons, which is the custom of

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some Countries, and so conclude it, as there, for the Publick State, *suprema lege*; He must look for this to be told him, That seeing Necessity must conclude always to gather Money, 'tis less speedy or assured then that by a Parliament: The success attendeth the humor of the heedless Multitude, that are full of jealousy and distrust, and so unlike to comply to any unusual Course of Levy, but by force; which if used, the effect is fearful, and hath been fatal to the State. Whereas that by Parliament resteth principally on the Regal person, who may with ease and safety mould them to his fit designs by a gracious yielding to their just desires and Petitions.

If a Parliament then be the most speedy assurance and safe way, it is fit to conceive what is the fairest way to act and work that to the present need.

First for the time of usual Summons, Forty days, reputed to be too large for this present Necessity, it may be by dating the Writs lessened, since it is no positive Law; so that a care be had that there may a County-day after the Sheriff hath received the Writ, before the time of sitting. If then the Sum to be levied be once granted and agreed of for the time, there may be in the body of the Grant an Assignment made to the Knights of every County respectively, who under such assurance may safely give Security proportionable to the Receipts, to such as shall adventure in present for the Publick service any Sums of money.

The last and weightiest Consideration, if a Parliament be thought fit, is, How to remove or comply the Differences between the King and Subjects in their mutual demands. And what I have learned amongst the better sort of the Multitude, I will freely declare, that your Lordships may be the more enabled to remove, and answer those Distrusts, that either concern Religion, publick safety of the King and State, or the just Liberty of the Commonwealth.

Religion is a matter that they lay nearest to their Consciences, and they are led by this ground of jealousy to doubt some practises against it. First, for that though the Spanish Match was broken by the careful industry of my Lord of *Buckingham*, out of his religious care (as he then declared) that the Articles there demanded might lead to some such Sufferance as might endanger the quiet, if not the state of the Reformed Religion here; yet there have (when he was an Actor principal in the Conditions of *France*) as hard, if not worse to the preservation of our Religion, passed, then those with *Spain*. And the suspect is strengthened by the close keeping of this Agreement, and doubt in them of his affection, in that his Mother and others, many his Ministers of near imploiment about him are so affected.

They talk much of his advancing men Popishly devoted, to Places in the Camp of nearest service and chief Command; and that the Recusants have got these late years by his power, more courage and assurance then before.

If to clear these doubts, (which perhaps are worse in fancie then in truth) he take a course, it might much advance the Publick service against the squeamish humors, that have more of violent Passion then of seled Judgment, and are not the least of the opposite number in the Commonwealth.

The next is, The late misfortunes and losses of Men, Munition, and Honor in the late Undertakings abroad; which the more temperate spirits impute to want of Council, and the more sublime Wits to Practice, They

They begin with the *Palatinate*, and lay the fault of the loss thereof on the imputed Credit of *Gondomar*, distrusting him for the staying of supply to Sir *Horatio Vere*, when Colonel *Cecil* was cast on that employment; by which the King of *Spain* became Master of the Kings Childrens Inheritance. And when Count *Mansfield* had a Royal supply of Forces to assist the Princes of our party for the recovery thereof, either Plot or Error defeated the enterprize for us to *Spains* advantage. That

A Sir *Robert Mansfields* Expedition to *Algiers*, should purchase only the security and guard of the Spanish Coasts.

To spend many Hundred thousand pounds in the *Cadiz-Voyage*, against the Advice in Parliament, only to warn the King of *Spain* to be in readiness, and so our selves weakned, is taken for a sign of an ill affection amongst the Multitude.

B The spending of much Munition, Victuals and Money, in my Lord *Willoughbies* Journey, is counted an unthrifty error in the Director of it; To disarm our selves in fruitless Voyages, may seem a plot of danger.

C It was held not long ago a fundamental Rule of our Neighbors, and our Security, by the old Lord *Burleigh*, That nothing can prevent the Spanish Monarchy, but a Fastness of those two Princes, whose Amity gave countenance and courage to the *Netherlands* and German-Princes to make head against his Ambition. And we see, by this disunion, a fearful Defeat hath happened to the King of *Denmark* and that party, to the advantage of the Austrian Family.

And this waste of Publick Treasure in fruitless Expeditions, will be an important Cause to hinder any new Supply in Parliament.

D Another fear that may disturb the smooth and speedy passage of the Kings desires in Parliament, is the vast waste of the Kings livelihood, whereby is like, as in former times, to arise this jealousy and fear, That when he hath not of his own to support his ordinary Charge, for which the Lands of the Crown were settled unalterable, and called *Sacrum patrimonium Principis*, that then he must needs of necessity rest upon those assistances of the people, which ever were only collected and consigned for the Commonwealth; from whence it is like there will be no great labor and stiffness, to induce his Majesty to an Act of Resumption; since such desires of the State have found an easie way in the will of all Princes, from the Third *Henry* unto the last.

E But that which is like to pass the deepest into their Disputes and care, is the late Pressures they supposed to have been done upon the Publick Liberty and Freedom of the Subject, in commanding their Goods without assent by Parliament, imprisoning and confining their Persons without special Cause declared, and that made good against them by the Judges lately, and pretending a Writ to command their attendances in Foreign war; All which they are like to enforce as repugnant to any positive Laws, Institutions, and Customary Immunities of this Commonwealth.

F And these dangerous distastes to the people are not a little improved by the unexampled course, as they conceive, of retaining an Inland Army in Winter-season, when former times of general fear, as in *Eighty eight*, produced none such; And makes them in their distracted fears to conjecture idly, it was raised wholly to subject their Fortunes to the will of Power, rather than of Law; and to make good some further breach upon their Liberties and Freedoms at home, rather then defend us from

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any force abroad. How far such Jealousies, if they meet with any unusual disorder of lawless Soldiers, are an apt distemper of the loose and needy Multitude, which will easily turn away upon any occasion in the State that they can side withall, as a glorious pretence of Religion and Publick safety, when their true end will be only rapine and ruine of all, is worthy a prudent and preventing care.

I have thus far delivered, with that freedom you pleased to admit, such Difficulties as I have taken up amongst the Multitude, as may arrest, if not remove Impediments to any Supply in Parliament. Which how to facilitate, may better become the care of your Judgments, then my Ignorance.

Only I could wish to remove away a personal distaste of my Lord Duke of *Buckingham* amongst the people: He might be pleased, if there be a necessity of a Parliament, to appear first Adviser thereunto, and of the satisfaction it shall please his Majesty of grace to give at such time to his people; which I would wish to be grounded by president of his best and fortunate Progenitors; And which I conceive will satisfie the desires and hopes of all, if it may appear in some sort to be drawn down from him to the people, by the zealous care & industry that my Lord of *Buckingham* hath of the publick unity and content. By which there is no doubt but he may remain not only secure from any further quarrel with them, but merit a happy memory amongst them of a zealous Patriot. For, to expiate the passion of the people, at such times, with sacrifice of any of his Majesties Servants, I have found it — as in *Ed. 2. Rich. 2. Hen. 6.* — no less fatal to the Master, then to the Ministers in the end.

A resolution
to call a Par-
liament.

These and such like Considerations being represented to the King, *Jan. 29.* A Resolution is taken at the Council-Table, to call a Parliament, to meet the 17. of *March* following. And now Warrants are sent according to a preceding Order made in this moneth, to all parts, to release the Imprisoned Gentry, and confined Gentlemen, for the business of the Loan-money: And as fast as Writs came to the Counties and Boroughs to choose Members for Parliament, those Gentlemen who suffered for the Loan were chiefly in the Peoples eye to be elected to serve for them in the ensuing Parliament, to present their Grievances, and assert their Liberties.

The Names of the Gentry, who about the time that Writs issued out for a Parliament, were released out of Restraint and Confinement, appear by the ensuing Order and List.

At Whitehall:

Present, *The Kings Majesty,*

*Lord Treasurer,
Lord President,
Lord Admiral,
Lord Steward,
Lord Chamberlain,
Earl of Suffolk,
Earl of Dorset,
Earl of Salisbury,
Earl of Morton,*

*Lord Viscount Conway,
Lord Bishop of Durham,
Lord B. Bath and Wells,
Mr. Treasurer,
Mr. Comptroller,
Master of the Wards,
Mr. Secretary Cook,
Mr. Chancellor of the Exchequer,
Mr. Chancellor of the Duchy.*

It is this day Ordered by His Majesty being present in Council, That the several persons hereunder written, shall from henceforth be discharged and set at liberty from any Restraint heretofore put upon them by His Majesties Commandment: And hereof all Sheriffs and other Officers are to take notice.

3 Caroli.

Order of the Council to set at liberty the Gentry imprisoned for the Loan-money.

A	Sir John Strangeways	Knights.	William Anderson	Esquires.
	Sir Thomas Grantham		Terringham Norwood	
	Sir William Armin		John Trigonwell	
	Sir William Massam		Thomas Godfrey	
	Sir William Wilmore		Richard Knightley	
	Sir Erasmus Draiton		Thomas Nicholas	
	Sir Edward Aiscough		John Hampden	
	Sir Nathanael Barnardiston		George Ratcliffe	
	Sir Robert Poyntz		John Dutton	
	Sir Beacham St. John		Henry Pool	
B	Sir Oliver Luke	Knights.	Nathanael Coxwell	Gent.
	Sir Maurice Berkley		Robert Hatley	
	Sir Thomas Wentworth		Thomas Elmes	
	Sir John Wray		Thomas Wood	
	Sir William Constable		John Wilkinson	
C	Sir John Hotham	Knights.	William Allen	
	Sir John Pickering		Thomas Holyhead	
	Sir Francis Barrington			
	Sir William Chancey			

All these remained confined to several Counties.

D	Sir Walter Earl	Knights.	Sir John Corbet	Knights.
	Sir Thomas Darnell		Sir John Elliot	
	Sir Harbottle Grimston		William Coriton	Esquire.
	George Catesby		John Stevens	
	Edward Hooker	Londoners.	Thomas Deacon	Londoners.
	George Bassett		John Potter	
	JAMES Wooldrond		In the Gatehouse.	
	Henry Sanders			

All Prisoners in the Fleet.

E	Sir John Heveningham	Knight.	William Savage	}
	Samuel Vassal		Mathanael Manesty	
	William Angel	Londoners.	In the New-Prison.	
	In the Marshalsey.			

F	Robert Lever	Londoners.	Ambrose Aylot	}
	John Peacock		Thomas Sharp	
	Edward Ridge		Thomas Totham	
	John Oclabery		Augustine Brabrook	
	Andrew Stone		Robert Payne	
	William Spurstow		Edward Talston	
	Roger Hughes		John Whiting	
	John Pope		Thomas Webb	
	James Bunch		John Ferry	
	Thomas Garris			

All in the Custody of a Messenger.

Orders

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A Parliament
summoned.A Commission
for Impositi-
ons.Thirty thou-
sand pounds
paid to *Burle-*
mach to be re-
turned by Bill
of Exchange,
to raise Foreign
Forces.Recusants
taken at
Clerkenwell.A Letter from
a Jesuite con-
cerning the
ensuing Par-
liament.

Orders issued also from the Council to the Lord Major and Aldermen of *London*, To use moderation in the demanding of the Loan-money from those of the City of *London* who deferred payment. And now Archbishop *Abbot*, the Earl of *Bristol*, and the Bishop of *Lincoln*, notwithstanding the cloud they were under, are had in consideration by the King and Council, and Writs are ordered to be sent unto them to sit in the House of Peers the ensuing Parliament.

After the Writs of Summons went forth, the King gave direction for a Commission to raise monies by Impositions in nature of an Excise, to be levied throughout the Nation, to pass under the Great Seal. And at the same time ordered the Lord Treasurer to pay Thirty thousand pounds to *Philip Burlemac* a Dutch Merchant in *London*, to be by him returned over into the *Low-Countries* by Bill of Exchange unto Sir *William Balfour* and *John Dalbier*, for the raising of a Thousand Horse, with Arms both for Horse and Foot. The supposed intent of which German Horse was, as was then feared, to enforce the Excise which was then setting on foot.

The Council also had then under consideration the Levying of Ship-money upon the Counties, to raise the King a Revenue that way. But now that a Parliament was called, the Council held it unfit and unseasonable to debate these matters any further at that time.

A little before the Parliament assembled, a Society of Recusants was taken in *Clerkenwell*: Divers of them were found to be Jesuites, and the House wherein they were taken was designed to be a Colledge of that Order.

Among their Papers was found a Copy of this Letter written to their Father Rector at *Bruxels*, discovering their Designs upon this State, and their Judgment of the temper thereof, with a Conjecture of the success of the ensuing Parliament.

Father Rector,

L Et not the damp of Astonishment seize upon your ardent and zealous soul, in apprehending the sudden and unexpected Calling of a Parliament: We have not opposed, but rather furthered it; So that we hope as much in this Parliament, as ever we feared any in Queen Elizabeth's days.

You must know, the Council is engaged to assist the King by way of Prerogative, in case the Parliamentary way should fail. You shall see this Parliament will resemble the Pelican, which takes a pleasure to dig out with her beak her own bowels.

The Election of Knights and Burgesses hath been in such confusion of apparent Faction, as that which we were wont to procure heretofore with much art and industry (when the Spanish Match was in Treaty) now breaks out naturally as a botch or boil, and spits and spues out its own rankor and venom.

You remember how that famous and immortal Statesman the Count of Gondomar fed King James his fancy, and rocked him asleep with the soft and sweet sound of Peace, to keep up the Spanish Treaty. Likewise we were much bound to some Statesmen of our own Country, for gaining time by procuring those most advantageous Cessations of Arms in the Palatinate, and advancing the Honor and Integrity of the Spanish Nation, and vili-fying the Hollanders; remonstrating to King James, That that State was most ungrateful both to his Predecessor Queen Elizabeth, and his Sacred
Majesty

A

B

C

D

E

F

Majesty; That the States were more obnoxious then the Turk, and perpetually injured his Majesties loving Subjects in the East-Indies, and likewise they have usurped from his Majesty the Regality and unvaluable profit of the Narrow-Seas in fishing upon the English Coast, &c.

A This great Statesman had but one principal means to further their great and good designs, which was to set on King James, that none but the Puritan-Faction, which plotted nothing but Anarchy, and his Confusion, were adverse to this most happy Union. We steered on the same Course, and have made great use of this Anarchical Election, and have prejudicated and anticipated the Great one, that none but the Kings Enemies, and his, are chosen of this Parliament, &c.

B We have now many strings to our Bow, and have strongly fortified our Faction, and have added two Bulwarks more: For when King James lived (you know) he was very violent against Arminianism, and interrupted (with his pestilent Wit and deep Learning) our strong Designs in Holland, and was a great Friend to that old Rebel and Heretick the Prince of Orange.

Now we have planted that Sovereign Drug Arminianism, which we hope will purge the Protestants from their Heresie; and it flourisheth and bears fruit in due season.

C The Materials which build up our Bulwark, are the Projectors and Beggars of all ranks and qualities: Howsoever, both these Factions cooperate to destroy the Parliament, and to introduce a new species and form of Government, which is Oligarchy.

Those serve as direct Mediums and Instruments to our end, which is the Universal Catholick Monarchy. Our foundation must be Mutation, and Mutation will cause a Relaxation, which will serve as so many violent diseases, as the Stone, Gout, &c. to the speedy distraction of our perpetual and insufferable anguish of body, which is worse then death it self.

D We proceed now by Council and mature deliberation, how and when to work upon the Duke's Jealousie and Revenge; And in this we give the honor to those which merit it, which are the Church-Catholicks.

There is another matter of Consequence, which we take much into our consideration and tender care, which is to starve off the Puritans, that they hang not in the Duke's ears, They are impudent subtle people.

E And it is to be feared lest they should negotiate a Reconciliation between the Duke and the Parliament: 'Tis certain, the Duke would gladly have reconciled himself to the Parliament at Oxford, and Westminster: But now we assure our selves we have so handled the matter, that both Duke and Parliament are irreconcilable.

For the better prevention of the Puritans, the Arminians have already lock'd up the Duke's ears; And we have those of our own Religion, which stand continually at the Duke's Chamber, to see who goes in and out: We cannot be too circumspect and careful in this regard.

F I cannot choose but laugh to see how some of our own Coat have accounted themselves; you would scarce know them, if you saw them: And 'tis a mirable, how in speech and gesture they act the Puritans. The Cambridge-Scholars to their woful experience shall see we can act the Puritans a little better then they have done the Jesuites: They have abused our sacred Patron Saint Ignatius in jest, but we will make them smart for it in earnest. I hope you will excuse my merry digression; For I confess unto you, I am at this time transported with joy to see how happily all Instruments and means, as well great as less, cooperate unto our purposes.

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But to return unto the main Fabrick: Our foundation is Arminianism; The Arminians and Projectors, as it appears in the premisses, affect mutation. This we second, and enforce by probable Arguments. In the first place we take into consideration the Kings honor, and present necessity; and we shew how the King may free himself of his Ward, as Lewis the Eleventh did. And for his great splendor and lustre, he may raise a vast Revenue, and not be beholden to his Subjects; which is by way of Imposition of Excise. Then our Church-Catholicks proceed to shew the means how to settle this Excise, which must be by a Mercenary Army of Horse and Foot. For the Horse, we have made that sure; They shall be Foreiners, and Germans, who will eat up the Kings Revenues, and spoil the Country wheresoever they come, though they should be well paid; What havock will they make there, when they get no Pay, or are not duly paid? They will do more mischief, then we hope the Army will do.

We are provident and careful, that this Mercenary Army of Two thousand Horse, and Twenty thousand Foot, shall be taken on and in pay before the Excise be settled. In forming the Excise, the Country is most likely to rise: If the Mercenary Army subjugate the Country, then the Soldiers and Projectors shall be paid out of the Confiscations; If the Country be too hard for the Soldiers, then they must consequently mutiny, which is equally advantageous unto us. Our superlative design is, to work the Protestants as well as the Catholicks to welcom in a Conqueror, and that is by this means: We hope instantly to dissolve Trades, and hinder the building of Shipping, in devising probable Designs, and putting on the State upon Expeditions, as that of Cadiz was, in taking away the Merchants Ships, so that they may not easily catch and light upon the West-India Fleet, &c.

The Parliament being assembled the Seventeenth day of March, His Majesty began with this Speech.

My Lords and Gentlemen,

The King's
Speech at the
opening of the
Parliament.

“These Times are for Action: Wherefore for Examples sake, I mean not to spend much time in Words; expecting accordingly that your (as I hope) good Resolutions will be speedy, not spending time unnecessarily, or (that I may better say) dangerously; For, tedious Consultations at this conjuncture of time, are as hurtful as ill Resolutions.

“I am sure you now expect from me, both to know the cause of your meeting, and what to resolve on: Yet I think there is none here but knows that Common danger is the cause of this Parliament, and that Supply at this time is the chief end of it: So that I need but point to you what to do. I will use but few persuasions: For if to maintain your own Advices, and as now the case stands for the following thereof, the true Religion, Laws, and Liberties of this State, and the just Defence of our true Friends and Allies, be not sufficient, then no Eloquence of Men or Angels will prevail.

“Only let me remember you, That my duty most of all, and every one of yours according to his degree, is, to seek the maintenance of this Church and Commonwealth: And certainly, there never was a time in which this duty was more necessarily required, then now.

"I therefore judging a Parliament to be the antient, speediest, and
 "best way in this time of Common danger, to give such Supply as to
 "secure our selves, and to save our Friends from imminent ruine, have
 "called you together. Every man now must do according to his con-
 "science: Wherefore if you (as God forbid) should not do your duties
 "in contributing what the State at this time needs, I must in discharge
 "of my conscience use those other means which God hath put into my
 "hands, to save that which the follies of particular men may otherwise
 "hazard to lose.

"Take not this as a Threatening, for I scorn to threaten any but
 "my Equals; but an Admonition from him, that both out of nature
 "and duty, hath most care of your preservations and prosperities: And
 "(though I thus speak) I hope that your demeanors at this time will
 "be such, as shall not only make me approve your former Councils,
 "but lay on me such obligations as shall tie me by way of thankfulness
 "to meet often with you: For, be assured, that nothing can be
 "more pleasing unto me, then to keep a good Correspondence with
 "you.

"I will only adde one thing more, and then leave my Lord Keeper
 "to make a short Paraphrase upon the Text I have delivered you; which
 "is, *To remember a thing, to the end we may forget it.* You may imagine
 "that I came here with a doubt of success of what I desire, remembring
 "the distractions of the last Meeting: But I assure you that I shall very
 "easily and gladly forget and forgive what is past, so that you will at
 "this present time leave the former ways of distractions, and follow
 "the Council late given you, *To maintain the unity of the Spirit in the
 "bond of Peace.*

The Lord Keeper seconded his Majesty on this manner.

"YE are here in Parliament by his Majesties Writ and Royal com-
 "mand, to consult and conclude of the weighty and urgent Busi-
 "ness of this Kingdom. Weighty it is, and great; as great as
 "the honor, safety, and protection of Religion, King and Country;
 "And what can be greater? Urgent it is; It is little pleasure to tell or
 "think how urgent: And to tell it with circumstances, were a long
 "work: I will but touch the sum of it in few words.

"The Pope and House of *Austria* have long affected, the one a
 "Spiritual, the other a Temporal Monarchy: And to effect their ends,
 "to serve each others turn, the House of *Austria*, besides the rich and
 "vast Territories of both the *Indies* and in *Africa* joined together, are
 "become Masters of *Spain* and *Italy*, and the great Country of *Ger-*
 "*many*. And although *France* be not under their subjection, yet they
 "have invironed all about it; The very Bowels of the Kingdom swayed
 "by the Popish Faction: They have gotten such a part and such inter-
 "cession in the Government, that under pretence of Religion, to root
 "out the Protestants and our Religion, they have drawn the King to
 "their adherence so far, that albeit upon his Majesties interposition by
 "his Ambassadors, and his engagement of his Royal word, there was
 "between the King and his Subjects Articles of Agreement, and the
 "Subjects were quiet, whereof his Majesty interested in that great
 "Treaty, was bound to see a true accomplishment; yet against that

The Lord
 Keepers
 Speech.

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“ strict Alliance, that Treaty hath been broken, and those of the Religion have been put to all extremity, and undoubtedly will be ruined, without present help. So as that King is not onely diverted from assisting the Common Cause, but hath been misled to engage himself in hostile acts against our King and other Princes, making way thereby for the House of *Austria*, to the ruine of his own, and other Kingdoms.

“ Other Potentates, that in former times did ballance and interrupt the growing greatness of the House of *Austria*, are now removed and diverted. The *Turk* hath made Peace with the Emperor, and turned himself wholly into Wars with *Asia*: The King of *Sweden* is embroiled in a War with *Poland*, which is invented by Spanish practices, to keep that King from succoring our part: The King of *Denmark* is chased out of his Kingdom on this, and on that side the *Zound*; so as the House of *Austria* is on the point to command all the Sea-coasts from *Dantzick* to *Embden*, and all the Rivers falling into the Sea in that great extent: So as besides their power by Land, they begin to threaten our Part by Sea, to the subversion of all our State.

“ In the *Baltique-Sea*, they are providing and arming all the Ships they can build, or hire; And have at this time their Ambassadors treating at *Lubeck*, to draw into their service the *Hans-Towns*, whereby taking from us and our Neighbors the Eastland-Trade, by which our Shipping is supplied, they expect without any blow given to make themselves Masters of that Sea. In these Western parts, by the *Dunkirkers*, and by the now French and Spanish Admiral, to the ruine of Fishing (of infinite consequence both to us, and the Low-Countries) they infest all our Coast, so as we pass not safely from Port to Port. And that Fleet which lately assisted the French at the Isle of *Rhee*, is now preparing at *S. Andrews*, with other Ships built in the Coast of *Biscay* to reinforce it, and a great Fleet is making ready in *Lisbon*; where besides their own, they do serve themselves upon all Strangers Bottoms coming to that Coast for Trade: And these great preparations are, no doubt, to assault us in *England* or *Ireland*, as they shall find advantage, and a place fit for their turn.

“ Our friends of the *Netherlands*, besides the fear that justly troubles them lest the whole force of the Emperor may fall down upon them, are distracted by their Voyages into the East, which hath carried both Men and Money into another World, and much weakened them at home.

“ Thus are we even ready on all sides to be swallowed up; The Emperor, *France* and *Spain* being in open War against us, *Germany* overrun, the King of *Denmark* distressed, the King of *Sweden* diverted, and the Low-Country-men disabled to give us assistance.

“ I speak not this to increase fear, unworthy of English courages, but to press to provision worthy the wisdom of a Parliament: And for that cause his Majesty hath called you hither, that by a timely provision against those great imminent dangers, our selves may be strengthened at home, our Friends and Allies encouraged abroad, and those great causes of fear scattered and dispelled.

“ And because in all Warlike preparations Treasure bears the name, and holds the semblance of the nerves and sinews; And if a sinew be too short or too weak, if it be either shrunk or strained, the part becomes

" becomes unuseful : It is needful that you make a good and timely
" supply of Treasure, without which all Councils will prove fruit-
" less. I might press many Reasons to this end ; but I will but name
" few.

" First for his Majesties sake, who requires it. Great is the duty
" which we owe him by the Law of God ; great by the Law of Nature,
" and our own Allegiance ; great for his own merit, and the memory
" of his ever blessed Father. I do but point at them : But methinks
" our thoughts cannot but recoil on one Consideration touched by his
" Majesty ; which to me seems to sound like a Parliamentary Pact or
" Covenant.

" A War was advised here, Assistance professed, yea and protested
" here : I do but touch it, I know you will deeply think on it ; and
" the more, for the example the King hath set you ; His Lands, his
" Plate, his Jewels he hath not spared to supply the War : What
" the People hath protested, the King for his part hath willingly per-
" formed.

" Secondly for the Cause sake : It concerns us in Christian cha-
" rity to tender the distresses of our Friends abroad ; It concerns us
" in Honor, not to abandon them, who have stood for us. And if
" this come not close enough, You shall find our Interest so woven
" and involved with theirs, that the Cause is more ours then theirs.
" If Religion be in peril, we have the most flourishing and Orthodox
" Church : If Honor be in question, the Stories and Monuments in
" former Ages will shew, that our Ancestors have left us as much as
" any Nation : If Trade and Commerce be in danger, we are Islanders,
" it is our life. All these at once lie at stake, and so doth our safety
" and being.

" Lastly in respect of the manner of his Majesties demand, which
" is in Parliament, the way that hath ever best pleased the Subjects of
" England. And good cause for it : For, Aids granted in Parliament
" work good effects for the People ; they be commonly accompanied
" with wholsom Laws, gracious Pardons, and the like. Besides, just
" and good Kings finding the love of their People, and the readiness
" of their Supplies, may the better forbear the use of their Prero-
" gatives, and moderate the rigor of the Laws towards their Sub-
" jects.

" This way, as his Majesty hath told you, he hath chosen, not
" as the onely way, but as the fittest ; Not as destitute of others, but
" as most agreeable to the goodness of his own most gracious dispo-
" sition, and to the desire and weal of his people. If this be defer-
" red, Necessity, and the Sword of the Enemy make way to the
" others. Remember his Majesties Admonition ; I say, remember
" it.

" Let me but add, and observe Gods mercy towards this Land
" above all others. The Torrent of War hath overwhelmed other
" Churches and Countries ; but God hath hitherto restrained it from
" us, and still gives us warning of every approaching danger, to save
" us from surprise. And our gracious Sovereign in a true sense of it
" calls together his High Court of Parliament, the lively Represen-
" tation of the Wisdom, Wealth, and Power of the whole Kingdom,
" to join together to repell those hostile Attempts, which have distressed
" our Friends and Allies, and threatened our selves.

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“ And therefore it behoves all to apply their Thoughts unto
 “ Councel and Consultations, worthy the greatness and wisdom of
 “ this Assembly; To avoid discontents and divisions, which may
 “ distemper or delay; And to attend that *Unum Necessarium*, the
 “ Common Cause; propounding for the scope and work of all the
 “ Debates, the general good of the King and Kingdom, whom God
 “ hath joined together with an indissoluble knot, which none must
 “ attempt to cut or untie. And let all, by unity and good accord,
 “ endeavour to pattern this Parliament by the best that have been,
 “ that it may be a Pattern to future Parliaments, and may infuse into
 “ Parliaments a kind of Multiplying power and faculty, whereby they
 “ may be more frequent, and the King our Sovereign may delight to
 “ sit on his Throne, and from thence to distribute his graces and favors
 “ amongst his people.

“ His Majesty hath given you cause to be confident of this you
 “ have heard from his Royal mouth; which nevertheless he hath
 “ given me expresse command to redouble: If this Parliament, by
 “ their dutiful and wise proceedings, shall but give this occasion,
 “ His Majesty will be ready, not onely to manifest his gracious ac-
 “ ceptation, but to put out all memory of those distastes that have
 “ troubled former Parliaments.

“ I have but one thing more to adde, and that is, As your Con-
 “ sultations be serious, so let them be speedy. The Enemy is before-
 “ hand with us, and flies on the wings of Success. We may dally and
 “ play with the Hour-glass that is in our power, but the Hour will
 “ not stay for us; and an Opportunity once lost, cannot be re-
 “ gained.

“ And therefore resolve of your Supplies, that they may be timely,
 “ and sufficient, serving the Occasion: Your Councel, your Aid, all
 “ is but lost, if your Aid be either too little, or too late: And his Majesty
 “ is resolved, that his Affairs cannot permit him to expect it over-
 “ long.

Sir John Finch being chosen Speaker, made this Address to his
 Majesty, Wednesday the Nineteenth of March.

Most Gracious Sovereign,

Sir John Finch
 being chosen
 Speaker, made
 this Speech to
 his Majesty.

“ **Y**Our obedient and loyal Subjects, the Knights, Citizens and
 “ Burgeses by your Royal Summons here assembled, in obedi-
 “ ence to your gracious direction, according to their antient
 “ usage and priviledge, have lately proceeded to the Choice of a
 “ Speaker; And whether sequestring their better Judgments for your
 “ more weighty Affairs; or to make it known, that their Honor and
 “ Wisdom can take neither increase, or diminution, by the value or
 “ demerit of any one particular Member in what place soever serving
 “ them; Omitting others of worth and ability, they have fixed their
 “ eyes of favor and affection upon me,

Their

A “ Their long knowledge of my unfitness every way to undergo a
 “ charge of this important weight and consequence, gave me some hope
 “ they would have admitted my just excuse : Yet for their further and
 “ clearer satisfaction, I drew the Curtains and let in what light I could up-
 “ on my inmost thoughts, truly and really discovering to them what my
 “ self best knew, and what I most humbly beseech your Royal Ma-
 “ jesty to take now into your consideration that of so many hun-
 “ dreds sitting amongst them, they could have found few or none,
 “ whose presentation to your Majesty would have been of less repute
 “ or advantage to them : for *et impeditioris lingua sum*, and the poor
 “ experience I have of that Royal Assembly is so ill ballanced with
 “ true Judgement, that every gust and wave hath power on me,
 “ whereby I shall not onely suffer in my own particular, but (which I ap-
 “ prehend with much more care and sorrow) do prejudice to their com-
 “ mon interest.

B “ Wherefore, dread and dear Soveragin, as low as the lowest step of
 “ your Royal Throne, I humbly bend, appealing to your great and So-
 “ veraign Judgement, for my discharge from this so unequal a burthen im-
 “ posed on me; most humbly and earnestly beseeching your most excellent
 “ Majesty, for the Honor of that Great Council, and the better digestion
 “ of Publick services, there, and withal to avert so ill an Omen, as the
 “ choise of me in the beginning of a Parliament, ordained (I hope) for
 “ the joy of our own, and the envy of other Nations; that by your gra-
 C “ cious Cominand the House may reconsult, and settle their thoughts
 “ on some more worthy their Election and your Majesties Approba-
 “ tion.

But his Majesty not admitting his excuse, approved of the choise.

D Before the Commons had entred into any Debates, this following
 Letter, touching the Inconveniencies and Grievances of the State was
 communicated to the Members of the House, and it was called *A Speech*
without doors.

*To my noble friends of the Lower-House of
 Parliament.*

E “ IF any Country had held me worthy to have served in this Parlia-
 “ ment, I had now been made a Member of your Lower-House, as for-
 “ merly I have been in sundry other Parliaments : But how unkindly foe-
 “ ver she dealeth with me, I will ever shew my faithfulness to her, and deli-
 “ ver, by way of observation, what I have heretofore learned in that
 “ grave and wise Assembly; for admonition to the elder, and a path-way
 “ for the younger to walk in.

F “ *Parliaments* in my time have been wont to take up some space at
 “ the first meetings, to settle the House, and to determine of *unlawfull*
 “ *Elections*; and in this present they never had greater cause to be cir-
 “ cumspect, then at this time: For by an Abuse lately crept in, there is
 “ introduced a custom, which if it be not foreseen and prevented, will be
 “ a great derogation to the Honor, and a weakning to the power of your
 “ House. Where the Law giveth a freedom to Corporations to elect
 “ *Burgeses*

The Speech
 without
 doors.

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"Burgeſſes, and forbideth any indirec[t] courſe to be taken in their Elec[t]ions; many of the Corporations are ſo baſe-minded, and timorous, that they will not hazard the indignation of a Lord Lieutenants Letter, who underhand ſticks not to threaten them with the charge of a Muſket or a Horſe at the Muſter, if that he hath not the Elec[t]ion of the Burgeſſes, and not they themſelves.

"And commonly thoſe that the Lords recommend, are ſuch as deſire it for protection, or are ſo ignorant of the place they ſerve for, as that there being occaſion to ſpeak of the Corporation for which they are choſen, they have aſked their Neighbors fitting by, whether it were a Sea or a Land Town?

"The next thing that is required, is, *Liberty of Speech*, without which Parliaments have little force or power; Speech begets doubts, and reſolves them, and doubts in Speeches beget underſtanding; he that doubts much, aſketh often, and learns much; and he that fears the worſt, ſoonest prevents a miſchief.

"This Privilege of Speech is anciently granted by the teſtimony of *Philip Comines* a Stranger, who prefers our Parliaments, and the Freedom of the Subject in them, above all other Aſſemblies; which Freedom, if it be broken or diminished, is negligently loſt ſince the dayes of *Comines*.

"If freedom of Speech ſhould be prohibited, when men with modeſty make repetition of the Grievances and Enormities of the Kingdom; when men ſhall deſire reformation of wrongs and injuries committed, and have no relation of evil thought to his Maſteſty, but with open heart and zeal expreſs their dutifull and reverent reſpect to him and his ſervice: I ſay, if this kinde of liberty of Speech be not allowed in time of Parliaments, they will extend no further then to Quarter-Sessions, and their Meetings and Aſſembles will be unneceſſary; for all means of diſorder new crept in, and all remedies and redreſſes will be quite taken away.

"As it is no manners to conteſt with the King in his Elec[t]ion of Councellors and Servants, (for Kings obey no men, but their Laws) So were it a great negligence, and part of Treason, for a Subject not to be free in Speech againſt the abuſes, wrongs, and offences, that may be occaſioned by perſons in Authority. What Remedy can be expected from a Prince to the Subject, if the enormities of his Kingdom be concealed from him? Or what King ſo religious or juſt in his own nature, that may not hazard the loſs of the hearts of his Subjects, without this Liberty of Speech in Parliament? For ſuch is the miſfortune of moſt Princes, and ſuch is the unhappineſs of Subjects where Kings affections are ſetled, and their loves ſo far transported to promote ſervants, as they onely truſt and credit what they ſhall inform.

"In this Caſe, what Subject dares complain? or what Subject dares contradict the words or actions of ſuch a ſervant, if it be not warranted by freedom of a Parliament, they ſpeaking with humility? For nothing obtaineth favor with a King, ſo much as diligent obedience.

"The ſureſt and ſafeſt way betwixt the King and his people, which hath leaſt ſcandal of partiality, is, with indifferance, with integrity and ſincerity, to examine the Grievances of the Kingdom, without touching upon the perſon of any man, further then the cauſe giveth occaſion: For otherwiſe, you ſhall conteſt with him that hath the Princes ears open to hearken to his inchanting tongue; he informs ſecretly, when you

"shall not be admitted to excuses, he will cast your deserved malice against him, to your contempt against the King, and seeking to lessen his Authority ; and so will make the Prince the Shield of his Revenge.

"These are the sinister practises of such servants to deceive their Sovereigns, when our Grievances shall be authentically proved, and made manifest to the World by your pains to examine, and freedom to speak. No Prince can be so affectionate to a servant, or such an Enemy to himself, as not to admit of this indifferent proceeding : If his services be allowable and good, they will appear with glory ; if bad, your labor shall deserve thanks both of Prince and Country.

"When Justice shall thus shine, people will be animated to serve their King with integrity : For they are naturally inclined to imitate Princes in good and bad.

"The words of *Cicero* will then appear, That malicious and evil men make Princes poor ; and one perfect good man is able to make a Realm rich.

"One Case I will instance that is common in the mouths of all men, and generally, *vox Populi vox Dei*. One of quality in the last Expedition to the Isle of *Rhee*, endeavored to conceal the number of men lost in the last encounter, and confidently affirmed their number not to exceed three or four hundred ; till a Doctor of Physick, out of tenderness of Conscience and duty to his Majesty, could not dissemble the vulgar and true Report, but acquainted his Majesty with Two thousand of his Subjects there lost. This was so contrary to the first information, and so displeasing to the Informer and his Designs, that he caused the Physicians remove from his Highness presence, who yet remains in kinde of a banished man.

"The truth of these two Reports is easily determined by the Clerks of the Bands of each Company, and is worthy to be discovered for Truth sake. Truth being so Noble of it self, as it will make him Honorable that promoteth it : Lyes may shadow it, but not darken it : They may blame, but never shame it. By this small President his Majesty shall see himself abused ; and it may be a means for him to reflect both upon men and matters.

"The men slain are no less injured by concealing their Names, whose lives were lost for King and Country. The Romans would have held it the highest Honor for their friends and posterity so to die : And a Parliament may fear that those that stick not so palpably to wrong a King, may as unjustly cast Aspersions upon the House, and other his loving Subjects.

"There is no remedy left for these misreports, but a freedom of Speech in Parliament. For there is no wise man that speaks, but knows what, and when to speak, and how to hold his peace. Whilst Subjects tongues are tyed, for fear they may reach him a rap whose conscience cries guilty ; the King and his people are kept from understanding one another ; The Enemy is heartened abroad, and the Malignant humor of Discontent nourished at home, and all for one who is like a Dragon, that bites the ear of the Elephant, because he knows the Elephant cannot reach him with his trunk ; and Princes are abused by false Reports whispered in their ears by Sycophants and Flatterers.

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" *Diogenes* being asked what beast bit forest, answered, Of wilde beasts, the *Back-biter*; of tame, the *Flatterer*.

" Now to descend to Grievances, which are of two kinds; some concerning the Kingdom in general; some in particular, which have relation to the general.

" The *Grievances in general* are so many in number, as will serve for every Member of the House to present Two apiece to your views. And because I cannot be admitted amongst you my self, yet in regard I have been a Member of you, I will presume so far as to rank my self with you, and to tender the number of Two unto your consideration.

" My first Complaint is of *Titles of Honor*; and in two kindes.

" First, in respect of the Parties themselves, their Estates and Parentage.

" Secondly, in respect of the manner of their attaining thereunto, which is mercenary, base, and corrupt, which in reason should not hold: For by Law the consideration is unlawfull.

" *Trajanus* commended *Plutarch* for his Precepts in School, when he taught that men should labor to deserve Honor, but avoid the getting of it basely: For if it were Reputation to have it by Desert, it were Infamy to buy it for Money. In that Age where Rich men were honored, Good men were despised.

" Honor is not to be valued according to the vulgar opinion of men, but prized and esteemed as the Sirname of Vertue, ingendred in the minde; and such Honor no King can give, or money can purchase. He that will strive to be more honorable then others, must abandon Passion, Pride, and Arrogancy; that so his Vertue may shine above others. For Honor consists not in the Title of a Lord, but in the opinion people have of their vertue; For it is much more honor to deserve, and not to have it, then to have it, and not deserve it.

" There is one of three things, that commonly causeth mans advancement, Desert, Favor, and Power.

" The first makes a man worthy of it, the other two are but abuses: For, Favor is but a blinde fortune, an ounce of which at Court, is better then a pound of wisdom: Fortune never favo- reth, but flattereth; She never promiseth, but in the end she decei- veth; She never raiseth, but she casteth down again. And this Ad- vancement is meeter to be called Luck, then Merit.

" That Honor that is compassed by Power, takes unto it self Liberty, and desires not to be governed by wisdom, but force. It knows not what it desireth, nor hath a feeling of any Injury: It is neither moved with sweet words, nor pittifull tears; such men leave not to do evil, because they have a desire to it, but when their power faileth to do it.

" The true Honor among the honorablest is, where Fortune casts down, where there is no fault: But it is Infamy where Fortune raiseth, where there is no Merit.

" Examine the State and condition of men raised to Honor these 25 years

"years past, and whether it be desert, favor or power that hath preferred them.

"Enter into the mischief the Kingdom hath suffered, and doth suffer by it; and the cause of his Majesties great wants will soon appear: If you collect with your selves how many hungry Courtiers have been raised to the highest top of honor;

A "After this, examine their Princely expence in these Twenty five years, their Estates in present, and what is requisite to maintain them in their future degrees of honor, to themselves and their Posterity, and you shall finde his Majesties annual Revenues consumed and spent upon those unworthy persons. Besides the impairing and impoverishing of the State, it brings with it the contempt of Greatness and Authority, it breeds an inward malice in Gentlemen better deserving of their Country, and better able to maintain the degree of honor without charge to King or Kingdom, and whose Houses and Alliance may better challenge it then the best of them.

B "The Character of a covetous man is, that he getteth his goods with care, and envy of his Neighbors, with sorrow to his Enemies, with travel to his body, with grief to his Spirit, with scruple to his conscience, with danger to his soul, with suit to his children, and curse to his heirs; his desire is to live poor, to die rich: But as these vices are made vertues, even so is he honored for them with Title of Nobility.

C "When *Philip* the second King of *Spain* entred with Arms upon his Kingdom of *Portugal*, and though with his sword he might have made fitting Laws; yet were there some few Priviledges which the Portugals besought they might enjoy; one whereof was, That the King would make no unworthy person Noble, or without their approbation, which was granted them, and to this day they hold that Freedom, which keeps that Kingdom in the ancient State, Honor and Dignity, (that is to say) two Dukes, one Marquis, and Eighteen Earls: And thus much for the point of Honor.

D "The second Grievance I will recommend to your views is, *The carriage of our Wars*, the excessive charges vainly spent therein, the unworthiness of the people employed, the grave and experienced neglected, the designs not warranted by reason and discretion, and the executions worse performed, with many other circumstances that depend upon it.

E "But before I proceed herein, I must crave leave to speak to two Points.

"The one to declare the property and condition of Impostors and Deceivers of Princes.

"In the other I must clear the House of Parliament of an Impurati- on cast upon it.

F "Abusers of Princes are they that perswade them to War; to become poor when they may live in Peace, and become rich; when they may be loved, cause them to be hated; when they may enjoy their lives surely, put them in hazard of cross fortune rashly; and lastly, having necessity to use their Subjects, put them into that necessity, as they refuse to do for him: All this is Pride of the Perswader, as *Socrates* saith.

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" In the second I will clear the Parliament (in which I was a Member) of an ungratefull asperſion caſt upon it, that is to ſay, *That the Parliament was a cauſe to draw his Maſteſty into a War, and failed on their parts to contribute to it.*

" Theſe have been often repeated, and the Parliament accuſed; the contrary hath been as often reiterated, and the truth expreſſed how far the Parliament proceeded therein. But to ſtop the mouths of ſuch falſe Reports, and to free the Parliament of ſuch a calumniation, I muſt uſe this Argument.

" At the Aſſembly of *Oxford*, the Parliament being Prorogued thither, Money was required of us towards the furniſhing of his Maſteſties Fleet then preparing, upon many reaſons alleadged, too tedious now to repeat, with one conſent it was reſuſed.

" Whereupon there was offer made by him that next the King, ſeemed to have beſt Authority, That if they would but contribute Forty thouſand pounds, they ſhould chooſe their Enemy.

" Whereupon I infer, That before that Propoſition there was no Enemy, and therefore no Wars: The motion for Money being denied, the Parliament inſtantly brake up; and ſeeing no Enemy was nominated, nor Money conſented unto by us, I ſee not how the Houſe can be taxed for Peace-breakers, but rather the name to be caſt upon ſome young men; for youth by nature is prone to pride, eſpecially where experience wants; They are credulous in what they hear that pleaſeth them, and incredulous in what is told them by wiſe men; They are deſpiſers of others counſels, and very poor in their own; They are dangerous for Princes to rely on, for ſelf-will is of greater force than Precepts.

" Now to proceed: In *October* following the Fleet put to Sea, and what they did is apparent by a Relation written by a their General at his Return.

" The Voyage being ended, another followed the next Summer under the command of that noble Lord, the Earl of *Lindſey*, which through the weakneſs and diſability of the Ships, was not able to perform what he had in charge, and what he deſired.

" The laſt and moſt lamentable, was that to the Iſle of *Rhee*, which I likewise refer to a man I have ſeen, and to the Books printed and extant.

" Theſe, with that to *Algeir*, to make up a Meſs of Iſland Voyages, I wiſh might be referred to the examination of choice and experienced Soldiers by Land and by Sea, to report their opinions of it, That ſo their Errors, their waſtefull Expences, their Negligences, their weak Deſigns, and want of experience may appear, with the Succeſs that might have proved, if Advice and Counſel had had preheminance above Will and Arrogancy; For he that is ignorant of truth and knowledge, and led away with pride of his own opinions, muſt needs err. After it hath paſt your approbation, it is worthy his Maſteſties view, who then ſhall ſee the difference of Actions well managed, and raſh and heady Enterpriſes undertook by ignorance, and performed by folly.

" Buſineſs of ſo great a conſequence ought to be conſidered of with Counſel, and not onely of the neceſſity, profit and honor, but of the poſſibility that was like to follow; for an Action well begun is half ended.

My

A "My experience in Discipline of War by Land and Sea can say
"no more then to refer it to others; for tis a Course I never was bred
"to in my youth, and now too late in mine age to practice: Onely
"one thing I observe, that in the two journeys of *Cadiz* and *Rhee*,
"in the first a Land Souldier commanded at Sea, who knew not
"what belonged thereunto; and the other was carried by him that
"was Souldier neither by Land nor by Sea, and the success proved ac-
"cordingly in both, yet their errors were never questioned, but they
"both highly advanced.

"And it is no marvel, for according to the old saying, The best Fencer
"is not always the best Fighter, the fairer Tilter not the best experienced
"Souldier, nor the eye of a Favorite at Court the best General of an
"Host: And whosoever takes upon him that command without know-
"ledge, beholds himself in a false glass, that makes him seem what he
"is not.

B "As on the contrary, Experience is the mother of Prudence,
"and Prudence will take counsel, lest she joyn her will with her will;
"hastiness causeth repentance, and frowardness causeth hinderance.

C "Of the Evils that followed upon these two voyages, your selves
"are sufficient Witnesses, and can judge of them. As namely, the billet-
"ing of Soldiers in the Country, and bringing their Ships into Har-
"bors, not abating the entertainment of the one, nor the wages of the
"other. And yet notwithstanding this needless cost and charges, our
"Ships and Coasts are daily infested in such sort, as we dare not peep out
"of Harbor.

"Were the carriage of things now answerable to the Prudence and
"Presidents of former times, we cannot pretend a fear of invasion; be-
"cause our Ships are divided into several Harbors, and our Soldiers
"billeted in Inland Countries; beside the season of the year giveth no
"opportunity to an Enemy to attempt it.

D "Here is a mass of wealth curiously consumed, whether the King or
"Subject bear it, and no man bettered but onely those that have the titles
"of Soldiers, yet never had the happiness or honor to see what appertained
"to service.

"Their example of disorder encourages the other to follow their
"Liberty, People that were wont to live poorly, yet safely, are now by
"these Fellows and their Followers robbed and spoiled, and no remedy
"for Redress.

E "The rich stand upon their guard, and dare not resort to their
"Church, lest in their absence their Houses be surpris'd and Risted.

"The Enemy giveth a sudden attempt and returneth, the others do
"every day rob and spoil.

The Enemy surpriseth with fear, the others have neither fear nor
"shame.

"The first lessening the greatness of the Roman Empire, was
"by the insolency of Soldiers; and the first raising of the House of
"Ottoman was by permission and conniving at his Army.

F "What man is so old in *England* that hath seen, or what youth
"so young that ever thought to see Scottish men and Irish men
"Garrisoned in *England*, and no Enemy appear against us? Or
"who could have imagined he should ever have seen our own people
"tyrannized over in our own Kingdom by these of our own Nation,
"and those Scottish and Irish, and not dare so much as complain?

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“ Would our forefathers have thought it safety or Policy to draw
 “ Two thousand Scottish men and Irish men, into the Isle of *Wight*, for
 “ their defence against *France*, when they of the Isle desired it not, nay
 “ when they opposed it ?

“ Would they have thought it wisdom that Two thousand Mouthes
 “ besides the Inhabitants should live on the food of that Island, and so
 “ bring themselves into want and penury of victuals, if they should in
 “ earnest be attempted by an Enemy ? Would they have thought fit
 “ the charge of it should be required of them, and yet they to suffer all
 “ injuries from the hands of strange Souldiers, when the meanest boy
 “ in the Island is taught to mannage Arms better then the best of them
 “ that are there billeted ? No, but they would rather have thought it
 “ discretion upon the return of those voyages, to have caused the men
 “ to repair to the place where they were pressed, and to have ordered,
 “ that each Parish should have set them on work for their maintenance,
 “ with command to be ready upon warning to repair to the place of
 “ Rendezvous

“ There is no place or part in *England* so remote from the Sea,
 “ but they might have resorted to the Port assigned, before the Ships
 “ could be furnished or drawn together. They would have thought it
 “ more wisdom to have retired to their own Harbors, and to have had
 “ their men discharged, then to have continued this needless and ex-
 “ pencefull course that is taken. They would have judged it better to
 “ have supplied the Isle of *Weight* with Two thousand men out of the
 “ main Land, when they feared any evil to the Island, then to send for
 “ them out of *Scotland*, and to keep them in continual entertainment.
 “ They would have thought it more fit to have returned the barba-
 “ rous Irish into the Country from whence they came, then to make
 “ them a vexation to the places and parts where they remain, seeing
 “ no shadow of reason can be pretended for it.

“ *England* wants no men, and hath as good and able men as either of
 “ the other two Nations, if his Majesty had occasion to use them.

“ *England* with small charge can raise what men his Majesty plea-
 “ seth to command, and that suddenly, and discharge them again
 “ without trouble or charge as quickly. The wise men of *England*
 “ would have thought Two or three hundred thousand pounds better spa-
 “ red, then thus wastfully consumed, and disorders committed ; we may
 “ compute it to that sum, and yet keep our selves within compass :
 “ And notwithstanding the want of Money, and the wayes to exact
 “ it of the Subject, is all the Song now sung ; He that sees and com-
 “ plains of the evil manning of things, is either imprisoned, banished
 “ the Court, or censured for a Discontent.

“ There is no Englishman but knoweth the heart of every other
 “ true heated Englishman, and with one consent will all obey our Prince,
 “ and to his person we owe all due reverence ; and we may truly say
 “ no King is more happy in Subjects for their love, nor no Subjects
 “ readier to serve their King with their purses and persons ; nor never
 “ people was better blest with a King, who is endued with all kinde of
 “ vertues, and stained with no manner of vice.

“ False Informers and Misguiders of good Kings are much more
 “ perilous, then if Princes themselves were evil ; for commonly as
 “ worms breed soonest in soft and sweet wood, so are the best na-
 “ tures inclined to Honor, and Justice soonest abused by false Flatterers.

“ The

"The evil they commit under the Authority of good Princes, is accounted as done by the Prince himself; but commonly such people in the end pay for it; for he that desires not to do good cannot be wise, but will fall into Four thousand Follies.

A "One of the first Propositions made to the House will be for Money to support his Majesties vast expence at this time; that the Enemy threatens thunder against the Kingdom. Your often alarms upon such pretences may make you now too secure; for true it is that the last Parliament, books were published of invincible Preparations intended against us, and nothing came of it. But beware you be not deceived by an old saying, That when one usually tells lyes, he is not trusted when he speaks truth; for certainly the danger is much more then by the power and greatness of another Enemy.

B "In this case you must give for your own sakes, that so you may be sure to enjoy what is yours; for your Sovereigns sake, to maintain his greatness and state; and for your Countries sake, to keep it from oppression of the Enemy; but withall you ought to lay down the condition of the Kingdom, and to shew that your necessity cannot run paralel with your hearts and your desires; that your mindes will be carried with a willingness to give, but your hands will keep back your hearts for want of ability to give.

C "Themistocles demanding Tribute of the Athenians, told them he brought two Gods with him, that is to say, Perswasion and Violence; They answered, that they had two other Gods in their Country, both great and powerfull, which were Poverty and Impossibility, which hindered them from giving.

"We may truly say, that God hath so placed and seated this Isle of England, that nothing but evil counsel can hurt it: But true it is, advice that is not warranted from wise men, may prove more forcible and perilous then the power of an Enemy.

D "The Scripture telleth us, that the thought perisheth that taketh not counsel.

"A King of the Lacedemonians asked how a Kingdom might ever stand, and was answered, two wayes, if a King take counsel of wise honest men, and they speak freely; and do Justice up-rightly.

E "There was never Cenfor that judged, Senator that ordered, Emperor that commanded, Council that executed, Orator that perswaded, nor any other mortal man, but sometimes he committed Errors, and deserved either blame or punishment for his misdoings, and if he were wise, desired advice what to do.

"St Gregory saith, No man can give so faithfull counsel as he who loves one more then his gifts; Then who are or can be so true Counsellors to our Noble King, as a House of Commons that hath no relation to a Kings gift, but only to his Honor, flourishing estate and safety.

"This is the time to amend evil Counsels past, and to let evil Counsellors see their Errors.

F "This is the time for all men to put to their helps, some with their hands to fight, others, with their advice to counsel: And for my Advice this it is;

That you present to his Majesty in all humbleness, your willing mindes and hearts, to repair and fit to Sea his Majesties Navy, your selves to have power

An. 1627. *to make them able and serviceable, with the advice of experienced men that you may call unto you.* "This is a matter of great importance at this present for the safety of King, Realm, and Subject; for the strength of the Kingdom much depends upon this Bulwark, which we may well term *The Walls of England*.

"His Majesty shall finde himself much eased by it, Busineses shall be carried without his trouble or care, Money shall not be sought for to that end, but provided by you, his Majesty may dispose of the rest of his Revenue at his pleasure.

"By your frugality and husbandry his Majesty shall have occasion to judge of things past, of yours in present, and hereafter it will serve for a President to walk after; it will stop the mouthes of Malignant tongues that inform his Majesty of the unwillingness of the Subject to give; and it will make it apparent, that their true grief is not in the matter of giving, but to see the Evil imploying of it when it is given.

"If any man shall prevent this good meaning and motion of yours, and inform his Majesty, 'tis a derogation from his Honor, to yield to his Subjects upon Conditions: His Majesty shall have good cause to prove such mens Eyes malicious and unthankfull, and thereby to disprove them in all their other Actions: For what can it lessen the Reputation of a Prince whom the Subject onely and wholly obeyeth, that a Parliament which his Majesty doth acknowledge to be his highest Council should advise him, and he follow the advice of such a Council? What dishonor rather were it to be advised and ruled by one Councillor alone, against whom there is just exception taken of the whole Commonwealth.

"*Marcus Portio* saith, That that Commonwealth is everlasting, where the Prince seeks to get obedience and love, and the Subjects to gain the affection of the Prince; and that Kingdom is unhappy where their Prince is served out of ends and hope of Reward, and hath no other assurance of them but their service.

Grand Committees settled.

Thursday the 20 of March the House settled their grand Committees for Religion, Grievances, Courts of Justice, and Trade, and agreed upon a Petition to the King for a Fast, unto which the Lords also consented.

Most gracious Sovereign,

Petition for a fast.

WE your most humble and loyal Subiects, the Lords Spiritual and Temporal in this present Parliament assembled, upon a tender and compassionate sence of the extreame Calamities of the Reformed Churches abroad, and with much sorrow apprehending the displeasure of Almighty God declared against our selves, the manifold evils already fallen upon us, and those which are further threatned, as by your sacred Majesty was intimated unto us, even to the utter destruction and subversion of this Church and State, and which our sins have justly deserved, and being now by your Majesties gracious favor, assembled in Parliament as the Great Council of this your Kingdom, to consult of such means as we think fittest to redress the present, and prevent the future evils, wherein we through Gods blessing intend to imploy our utmost endeavors, humbly beseech your Majesty, that by your special Command one or more days may be forthwith solemnly set apart, wherein both our selves and the whole Kingdom may by fasting and prayers seek reconciliation at the hands of Almighty

Almighty God, and with humble and penitant hearts beseech him to remove those miseries that lie upon us & our neighbor Churches, to avert those which are threatened, to continue the labors we yet enjoy, and particularly to bestow his abundant blessing upon your Majesty and this present Parliament, so that all our Counsels and Resolutions being blessed by his Divine assistance, may produce much honor and safety to your Majesty, your People and Allies.

Debates touching Grievances.

Sir Francis Seimour.

Saturday the 22 of March was spent in opening the grievances and state of the Kingdom, as billeting of Soldiers, Loans by Benevolences and Privy-Seal, and the imprisoning certain Gentlemen who refused to lend upon that account, who afterwards bringing their *Habeas Corpus* were notwithstanding remanded to prison; nor did the House encline to Supply his Majesty till these Grievances were redressed: To which purpose Sir *Francis Seimour* thus began;

"This is the great Council of the Kingdom, and here (if not here alone) his Majesty may see as in a true glass the state of the Kingdom; we are called hither by his Majesties writs to give him faithful counsel, such as may stand with his honor; but this we must do without flattery: we are sent hither by the Commons to discharge that trust reposed in us, by delivering up their just grievances, and this we must do without fear: let us not therefore be like *Cambyse* Judges, who being demanded of their King, whether it were not lawful for him to do what in it self was unlawful? They (rather to please the King, then to discharge their own consciences) answered, that the Persian Kings might do what they listed: This base flattery tends to mischief, being fitter for reproof then imitation; and as flattery, so fear taketh away the judgment, let us not then be possessed with fear or flattery, of corruptions the basest: For my own part, I shall shun both these, and speak my conscience with as much duty to his Majesty as any man, but not neglecting the Publick, in which his Majesty and the Commonwealth have an Interest: But how can we shew our affections whilst we retain our fears? or how can we think of giving of Subsidies, till we know whether we have any thing to give or no? for if his Majesty be persuaded by any to take from his Subjects what he will, and where it pleaseth him; I would gladly know what we have to give? Its true, it is ill with those Subjects that shall give Laws to their Princes, and as ill with those Princes which shall use force with those Laws; that this hath been done, appeareth by the billeting of Soldiers, a thing no way advantageous to his Majesties service, but a burden to the Commonwealth; This also appeareth by the last Levy of money against an act of Parliament: Again, Mr *Speaker*, what greater proof can there be of this, then the imprisonment of divers Gentlemen for the Loan, who if they had done the contrary for fear, their fault had been as great as theirs that were the Projectors in it; and to countenance these Proceedings, hath it not been preached (or rather prated) in our pulpits, that all we have is the Kings, *jure Divino*? say these time-servers; they forsake their own function, and turn ignorant States-men; we see how willing they will be to change a good conscience for a Bishoprick, and (Mr *Speaker*) we see how easie it is for a Prince, how just and good soever, to be abused, in regard he must see with other mens eyes, and hear with other mens ears. Let us not flatter his Majesty; it is too apparent to all the world, the King and people suffer more now then ever: His Majesty in his Affairs abroad, and his People in their Estates at home: But will you know the reason of all this, let us

"look

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“ look back to the Actions of former Princes, and we shall find that those
 “ Princes have been in greatest want and extreimity that exacted most of
 “ their Subjects and most unfortunate in the choice of their Ministers, and
 “ to have failed most in their undertakings; happy is that Prince that hath
 “ those that are faithful of his Council: That which his Majesty wanted in
 “ the management of his Affairs concerning *France* and *Spain*, I am clear
 “ was his want of *faithful Council* to advise. The reason is plain, a Prince is
 “ strongest by faithfull and wise Council, I would I could truly say, such
 “ have been imployed abroad. I will confess, and still shall from my heart,
 “ he is no good Subject, nor well affected to his Majesty and the State, that
 “ will not willingly and freely lay down his life, when the end may be the
 “ service of his Majesty, and the good of the Commonweale: But on the
 “ contrary, when against a Parliament Law the Subject shall have taken
 “ from him, his goods against his will, and his liberty against the Laws of
 “ the Land: shall it be accounted want of duty in us to stand upon our Pri-
 “ viledges, hereditary to us, and confirmed by so many Acts of Parliament.

“ In doing this we shall but tread the steps of our forefathers, who ever
 “ preferred the Publick Interest before their own right, nay, before their
 “ own lives; nor can it be any wrong to his Majesty to stand upon them so
 “ as thereby we may be the better enabled to do his Majesties service; but
 “ it will be a wrong to us and our posterity and our consciences, if we wil-
 “ lingly forego that which belongs unto us by the Law of God, and of the
 “ Land, and this we shall do well to present to his Majesty; we have no
 “ cause to doubt of his Majesties gracious acceptation.

Sir Thomas
Wentworth.

“ This Debate (said Sir *Tho. Wentworth*) carries a double Aspect towards
 “ the Sovereign and the Subject, though both be innocent, both are injured,
 “ and both to be cured: Surely, in the greatest humility, I speak it, these ille-
 “ gal ways are punishment and marks of indignation, the raising of Loans
 “ strengthened by Commission, with unheard of Instructions, and Oathes, the
 “ billeting of Soldiers by the Lieutenants, and Deputy Lieutenants, have
 “ been as if they could have perswaded Christian Princes, yea worlds, that
 “ the right of Empires, had been to take away by strong hands, and they
 “ have endeavored as far as possible for them, to do it. This hath not been
 “ done by the King (under the pleasing shade of whose Crown I hope we
 “ shall ever gather the fruits of Justice) but by Projectors, who have extend-
 “ ed the Prerogative of the King, beyond the just Symetry, which maketh
 “ a sweet harmony of the whole: They have brought the Crown into
 “ greater want then ever, by anticipating the Revenues; And can the
 “ Shepherd be thus smitten and the Speep not scattered? They have intro-
 “ duced a Privy-Council ravishing at once the Spheres of all ancient Go-
 “ vernment, imprisoning us without either bail or bond; they have taken
 “ from us, what; shall I say indeed, what have they left us? All means of
 “ supplying the King and ingratiating our selves with him, taking up the
 “ root of all propriety, which if it be not seasonably set again into the
 “ ground by his Majesties own hands, we shall have instead of beauty, bald-
 “ ness. To the making of those whole, I shall apply my self, and propound
 “ a Remedy to all these diseases. By one and the same thing have King
 “ and People been hurt, and by the same must they be cured; to vindicate,
 “ what, new things? no our ancient vital Liberties, by reinforcing the an-
 “ cient Laws made by our Ancestors, by setting forth such a Character of
 “ them, as no licentious spirit shall dare to enter upon them; and shall we
 “ think this is a way to break a Parliament? no, our desires are modest and
 “ just, I speak truly, both for the interest of King and People, if we in-
 “ joy not these, it will be impossible for to relieve him. There-

“ Therefore let us never fear they shall not be accepted by his goodness; wherefore I shall shortly descend to my motions consisting of four parts, two of which have relation to our persons, two to the propriety of goods for our persons; first, the freedom of them from imprisonment. secondly, from imployment abroad, contrary to the ancient Customs: For our goods, that no Levies be made, but by Parliament; secondly, no billeting of Soldiers: It is most necessary that these be resolved, that the Subject may be secured in both.

Sir Benjamin Rudyard stands up as a Moderator, and spake thus:

“ This is the Chrysis of Parliaments; we shall know by this if Parliaments live or die, the King will be valued by the success of us, the Councils of this House will have operations in all, 'tis fit we be wise, his Majesty begins to us with affection, proclaiming, that he will rely on his peoples love; preservation is natural, we are not now on the *bene esse*, but on the *esse*; be sure *England* is ours, and then prune it; Is it no small matter that we have provoked two most Potent Kings? we have united them, and have betrayed our selves more then our enemies could: Men and Brethren, what shall we do? is there no balm in *Gilead*? if the King draw one way, the Parliament another, we must all sink: I respect no particular, I am not so wise to condemn what is determined by the major part, one day tells another, and one Parliament instructs another. I desire this House to avoid all contestations, the hearts of Kings are great, 'tis comely that Kings have the better of their Subjects; give the King leave to come off, I believe his Majesty expects but the occasion, 'tis lawfull, and our duty to advise his Majesty, but the way is to take a right course to attain the right end; which I think may be thus; by trusting the King, and to breed a trust in him, by giving him a large Supply according to his wants, by prostrating our Grievances humbly at his feet, from thence they will have the best way to his heart, that is done in duty to his Majesty: And to say all at once, Let us all labor to get the King on our side, and this may be no hard matter, considering the neer subsistence between the King and people.

Sir Edward Cook spake next.

“ *Dum tempus habemus bonum operemur*, I am absolutely to give Supply to his Majesty, yet with some caution: To tell you of Foreign dangers and inbred evils, I will not do it; the State is inclining to a consumption, yet not incurable; I fear not Foreign Enemies, God send us peace at home; for this disease I will propound remedies, I will seek nothing out of mine own head, but from my heart, and out of Acts of Parliament; I am not able to fly at all Grievances, but only at Loans: Let us not flatter our selves; who will give Subsidies if the King may impose what he will? and if after Parliament the King may inhaunce what he pleaseth; I know the king will not do it, I know he is a Religious King, free from personal vices, but he deals with other mens hands, and sees with other mens eyes; will any give a Subsidy, that may be taxed after Parliament at pleasure? the King cannot tax any by way of Loans, I differ from them who would have this of Loans go amongst Grievances, but I would have it go alone.

“ He begin with a noble Record, it cheers me to think of it, 25. E. 3. it is worthy to be written in letters of gold; Loans against the will of the Subject are against reason and the Franchises of the Land, and they deserve restitution: what a word is that Franchise? The Lord may tax his Villain high or low, but it is against the Franchises of the Land, for free-

Sir Benjamin Rudyard acts the part of a Moderator.

Sir Edward Cook.

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"men to be taxed but by their consent in Parliament; Franchise is a French word, and in Latine it is *Libertas*. In *Magna Charta* it is provided, that *Nullus liber homo capiatur vel imprisonetur aut disseisietur de libero tenemento suo, &c. nisi per legale iudicium parium suorum vel per legem terre*; which Charter hath been confirmed by good Kings above thirty times.

When these Gentlemen had spoken, Sir *John Cook*, Secretary of State took up the matter for the King, and concluded for redress of Grievances, so that Supplies take the precedency; And said,

Mr Secretary
Cook.

"I had rather you would hear any then me; I will not answer what hath been already spoken; my desire is not to stir, but to quiet, not to provoke, but to appease: my desire is, that every one resort to his own heart to reunite the King and the State, and to take away the scandal from us; every one speaks from the abundance of his heart: I do conclude out of every ones Conclusion, to give to the King, to redress Grievances; all the difference is about the manner; we are all Inhabitants in one House, the Commonwealth, let every one in somewhat amend his house, somewhat is amiss? but if all the House be on fire, will we then think of amending what is amiss? will you not rather quench the fire? the danger all apprehend. The way that is propounded, I seek not to decline; illegal courses have been taken, it must be confessed, the redress must be by Laws and Punishment: but withal add the Law of *Necessity*; *Necessity* hath no Law, you must abilitate the State to do; what you do, by Petition require. It is wished we begin with Grievances, I deny not that we prepare them, but shall we offer them first: will not this seem a Condition with his Majesty? do we not deal with a wise King, jealous of his Honor? All Subsidies cannot advantage his Majesty so much, as that his Subjects do agree to Supply him: This will amaze the Enemy more then ten Subsidies; begin therefore with the King, and not with our selves.

Sir Robert
Philips.

"This dayes Debate (said Sir *Robert Philips*) makes me call to minde the custom of the Romans, who had a solemn feast once a year for their Slaves, at which time they had liberty (without exception) to speak what they would, whereby to ease their afflicted minds, which being finished, they severally returned to their former servitude. This may with some resemblance and distinction well set forth our present State; where now after the revolution of some time, and grievous sufferings of many violent oppressions, we have (as those Slaves had) a day of liberty of speech; but shall not, I trust, be herein Slaves, for we are free: we are not Bondmen, but Subjects; these after their Feast were Slaves again; but it is our hope to return Freeman. I am glad to see this mornings work, to see such a sense of the Grievances under which we groan. I see a concurrence of grief from all parts, to see the Subject wronged, and a fit way to see the Subject righted: I expected to see a division, but I see honorable conjunction, and I take it a good Omen. It was wished by one, that there were a forgetfulness of all, let him not prosper that wisheth it not. No, there is no such wayes to perfect remedy, as to forget injuries, but not so to forget, as not to recover them. It was usual in *Rome* to bury all injuries, on purpose to recover them. It was said by a Gentleman that ever speaks freely: *We must so govern our selves, as if this Parliament must be the Chrysis of all Parliaments, and this the last*. I hope well, and there will be no cause for the King our Head to except against us, or we against him. The dangers abroad are presented to us, he is no English man that is not apprehensive of them.

"We

“ We have provoked two Potent Kings (the one too near) who are too
 “ strongly joyned together; the dangers are not Chimerical but real, I ac-
 “ knowledge it, but it must be done in proportion of our dangers at home;
 “ I more fear the violation of Publick Rights at home, then a Foreign Ene-
 “ my: Must it be our duties and direction to defend Foreign dangers, and
 “ establish security against them, and shall we not look at that which shall
 “ make us able and willing thereunto? We shall not omit to confide and
 A “ trust his Majesty, otherwise our Councils will be with fears, and that be-
 “ comes not Englishmen. The unaccustomed violences (I have nothing but
 “ a good meaning) trench into all we have. To the four particulars already
 “ mentioned wherein we suffer, one more may be added, Left God for-
 “ bare to hear me in the day of my trouble; our Religion is made vendible
 “ by Commissions: Alas! now a tolleration is granted (little less) and men
 “ for pecuniary annual rates dispenced withal, whereby Papists without fear
 “ of Law practise Idolatry, and scoff at Parliaments, at Laws and all; it is
 B “ well known the people of this State are under no other subjection then
 “ what they did voluntarily consent unto by the original contract between
 “ King and people; and as there are many Prerogatives and Priviledges
 “ conferred on the King, so there are left to the Subject many necessary Li-
 “ berties and Priviledges, as appears by the Common Laws and Acts of
 “ Parliament, notwithstanding what these two * *Sycophants* have prated in
 “ the Pulpit to the contrary. Was there ever yet King of *England* that di-
 “ rectly ever violated the Subjects Liberty and Property, but their actions
 C “ were ever complained of in Parliament, and no sooner complained of then
 “ redressed? 21 *E. 3.* there went out a Commission to raise money in a
 “ strange manner, the succeeding Parliament prayed redress, and till *H. 8.*
 “ we never heard of the said Commissions again.

* *Sibthorp and Stanwaring.*

“ Another way was by Loan, a worm that cankered the Law, the Par-
 “ liament did redress it, and that money was paid again: The next little
 “ Engine was *Benevolence*, what the force of that was, look into the Statute
 “ of *R. 3.* which damned that particular way, and all other indirect wayes.
 D “ Since the Right of the Subject is thus bulwarkd by the Law of the
 “ Kingdom, and Princes upon complaint have redressed them, I am con-
 “ fident we shall have the like cause of joy from his Majesty.

“ I will here make a little digression: The * County I serve for were
 “ pleased to command me to seek the removal from them of the greatest
 “ burthen that ever people suffered. It was excellently said, Commissionary
 “ Lieutenants do deprive us of all Liberty; if ever the like was seen of the
 “ Lieutenancy that now is, I will never be believed more; They tell the
 E “ people they must pay so much upon a warrant from a Deputy Lieute-
 “ nant, or be bound to the good behavior, and sent up to the Lords of the
 “ Council; it is the strangest Engine to rend the Liberty of the Subject that
 “ ever was; there was now a *Decemviri* in every County, and amongst that
 “ *Decemviri* there is some *Claudius Appius* that seek their own revenges;
 “ we complain of Loans and Impositions, but when Deputy Lieutenants
 “ may send warrants to imprison our persons at pleasure, if we pay not what
 “ they sent for, it concern us to preserve the Country in Freedom, and to
 F “ consider of this kind of people. There is now *necessity* brought in for an
 “ argument, all know that *necessity* is an armed man, and that *necessity* is an
 “ *evil Councillor*, I would we had never known that Council; we are almost
 “ grown like the Turks, who send their Janizaries, who place the Halberd
 “ at the door, and there he is master of the house. We have Soldiers billet-
 “ ted, and warrants to collect money, which if they do not, the Soldiers must

* *Somersetshire.*

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“ come and rife. The Romans fending one into *Spain*, found no greater
 “ complaint then the discontent that did arife from Soldiers placed
 “ amongst them. I would you would look into *Fortescue* where he puts
 “ the Prince in minde, what misery he faw where Soldiers were put
 “ upon the people : But faith he, No man is forced to take Soldiers
 “ but Inns, and they to be paid by them ; I defire we refort to his Majefty
 “ for redrefs, and to reduce all into bounds.

“ The other way of Grievance is a Judgement in a legal courfe of pro-
 “ ceeding ; we have had three Judgements of late times, all exceeding one
 “ another in prejudice of the Subject: The first was, That that was judged
 “ in all formality, the * *Postnati* Cafe, which people I honor ; for we finde
 “ many of them love us more then we do our selves ; I do not complain of
 “ it, but onely mention it.

“ The other Judgement was for Impositions, which was given in the
 “ Exchequer, and this Houfe two times after damned that Judgement :
 “ how remifs our eyes are upon that I grieve to fee.

“ There is a Judgement, if I may fo call it, a fatal Judgement againft
 “ the Liberty of the Subject, *Mich. 3. Car.* in Sir *John Heveninghams*
 “ cafe argued at the Bar, and pronounced but by one alone ; I can live,
 “ although another without title be put to live with me ; nay, I can live,
 “ although I pay Excifes and Impositions for more then I do ; but to have
 “ my liberty which is the foul of my life taken from me by power, and to be
 “ pent up in a Goal without remedy by Law, and this to be fo adjudged to
 “ perift in Goal, O Improvident Ancestors ! Oh unwise forefathers ! to
 “ be fo curious in providing for the quiet poffeffion of our Lands and Li-
 “ berties of Parliament, and to neglect our perfons and bodies, and to let
 “ them die in prifon, and that *durante beneplacito*, remedilefs : If this be
 “ Law, what do we talk of our Liberties ? why do we trouble our selves
 “ with the difpute of Law, Franchifes, Propriety of goods ? It is the *Summa*
 “ *totalis* of all miferies ; I will not fay it was erroneous, but I hope we fhall
 “ fpeak our minds when that Judgment comes here to be debated.

“ What may a man call his, if not Liberty ? Having paffed in fome con-
 “ fufion in the fafhion of my delivery. I conclude : We will confider two
 “ particulars, his Majefty, and his People : his Majefty calls to us, and craves
 “ our affiftance to revive again his Honor, and the Honor of the Nation :
 “ The people fend us, as we hope, with that direktion, that we fhall return
 “ to them with that Olive-branch, that affurance of being free from thofe
 “ calamities under which they can hardly breathe. Our fins have brought
 “ on us thofe miferies, let us all bring our Portion to make up the wall : we
 “ come with Loyal hearts ; his Majefty fhall find, that it is we that are his
 “ faithfull Councillors ; let all Sycophants be far removed from his Maje-
 “ fty, fince we cannot help his Majefty without opening our Grievances ;
 “ let us difcharge our duties therein, yet while we feek Liberty, we will not
 “ forget Subjection ; all things a State can be capable of, either bleffings or
 “ punifhments, depend on this meeting ; if any think the King may be fup-
 “ plied and the Commonwealth preferved without redrefs of Grievances,
 “ he is deceived. The Kings of *England* were never more glorious then
 “ when they trusted their Subjects ; let us make all hafte to do the Errand
 “ for which we came, let the Houfe confider to prepare our Grievances fit
 “ for his Majefties view, not to make a Law to give us new Liberties, but
 “ Declaratory, with refpective Penalties ; fo that thofe which violate them,
 “ if they would be vile, they fhould fear infamy with men, and then we fhall
 “ think of fuch a Supply as never a Prince received, and with our monies

“ we

* Scots.

3 Caroli.

Secretary
Cook moves
for Supply for
his Majesty.

In Clerkenwel.

" we shall give him our hearts, and give him a new people raised from the
" dead: Then I hope this Parliament will be entituled, The Parliament of
" wonders, and Gods judgements diverted, and these beams of goodness
" shall give us life, and we shall go home to our Countries, and leave our
" Posterity as free as our Ancestors left us.

But this day, as also the two next dayes Debate produced no Resolutions, the time being spent in a general opening of Grievances from all parts of the Kingdom.

Monday 24 March Secretary Cook renewed the motion of Supplies for his Majesty, yet so that Grievances be likewise taken into Consideration.

" We all think fit (said he) that both these go hand in hand together;
" but let me put you in mind of that which concerns the King, let him have
" the precedency of honor, if not of time, let the heads of the Kings Sup-
" ply first be propounded, this will be an honor to the King, and will do ser-
" vice to the House; the end of this Parliament is the subsistence of the
" King, as he himself hath declared, and such a Command is not to be
" slighted; the King himself propounded it, and then he will agree with
" us in other requests that are fit for a King to give; we that have the hap-
" piness to attend his Majesty, can tell you, that no King is more ready to
" hear the complaints of his Subjects, and withal you know no King is
" more sensible of all reproaches which touch his Honor.

" Will it not be fit to grant him this Honor, to have the Precedency?
" It was the Speech of an ancient Parliament man, Let us deal gently with
" our King; by these Laws that we make we do bind our selves, and it is an
" addition of his power: None that dies but leaves his heir to the favor of
" the King, none that lives but needs the favor of the King: we having
" made our first union with God, it is next intended, that we be at one with
" our King, is it not fit we be at peace with our Head? his Majesty desires
" it, and expects it: After this unity with our head, there is consideration to
" be had of unity with our selves, after this we shall be all knit in one body,
" we shall all pronounce clearly *Shiboleth*, and we shall consider of the Grievances and irregularities of the times, which none desires to be reformed more then his Majesty and those whom you think most averse:
" Let us take the best way for Reformation: And will not this be a happy
" union, if the whole body concur to reduce all into regularity? if Laws be
" our Birth-rights, we shall hereby recover them and their splendor; this
" will have good aspect abroad, and it will give courage to our men that
" have been despised, and will prevent practises to continue divisions amongst us both at home and abroad. The first Sower of seeds of distractions amongst us, was an Agent of *Spain*, *Gondomar*, that did his Master
" great service here and at home.

" Since that we have had other Ministers that have blown the fire: The
" Ambassador of *France* told his Master at home, what he had wrought here
" the last Parliament, namely, divisions between King and people, and he
" was rewarded for it. Whilst we sit here in Parliament, there was another
" intended Parliament of * Jesuites and other well-willers, within a mile of
" this place; that this is true, was discovered by Letters sent to *Rome*: The
" place of their meeting is changed, and some of them are there where they
" ought to be; if you look in your Calendar, there is a day of *St Joseph*,
" it was called in the Letter the Oriental day, and that was the day intended for their meeting. I speak this to see Gods hand to work our union
" in their division; they are not more rent from us, then they are from
" themselves. I desire the meanest judgement to consider what may follow
by

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"by giving precedency to his Majesty, and by so doing, we shall put from
 "our selves, many imputations. If we give any occasion of breach, it is
 "a great disadvantage; if otherwise it is an obligation to his Majesty,
 "which his Majesty will not forget.

Then he made a motion, that the same Committee may hear Propositions of general heads of Supply, and afterward go to other businesses of the day for Grievances. Others preferred the Consideration of Grievances, as a particular root that invades the main liberty of the Subject. It is the Law (said they) that glorious fundamental Right, whereby we have power to give; we desire but that his Majesty may see us have that right therein, which next to God we all desire; and then we doubt not but we shall give his Majesty all supply we can: The time was when it was usual to desire favors for sowing discords, as *Gondomar* did for *Raleigh's* head. But the debates of this day came to no Resolution.

Thursday
 March 15.
 Mr Secretary
Cook tenders
 Propositions
 touching Supply.

The day following Mr Secretary *Cook* tendred the House certain Propositions from the King, touching Supply; and told them, That his Majesty finding time precious, expects that they should begin speedily, lest they spend that time in deliberation which should be spent in action; that he esteems the Grievances of the House his own, and stands not on Precedence in point of honor. Therefore to satisfy his Majesty, let the same Committee take his Majesties Propositions into consideration, and let both concur, whether to sit on one in the forenoon, or the other in the afternoon, it is all one to his Majesty.

The House
 turned into a
 Committee.

Hereupon the House turned themselves into a Committee, and commanded *Edward Littleton* Esquire unto the Chair, and ordered the Committee to take into Consideration the Liberty of the Subject, in his Person, and in his Goods; and also to take into Consideration his Majesties Supply. In this Debate the Grievances were reduced to six Heads, as to our Persons.

1. Attendance at the Council Board.
2. Imprisonment.
3. Confinement.
4. Designation for Foreign Employment.
5. Martial-Law.
6. Undue Proceedings in matter of Judicature.

Habeas Corpus
 and the Liberty of the
 Subject debated.

The first matter debated, was the Subjects Liberty in his Person; the particular instance was in the Case of Sir *John Heveningham*, and those other Gentlemen who were imprisoned about Loan-money, and thereupon had brought their *Habeas Corpus*, had their Case argued, and were nevertheless remanded to Prison, and a Judgment, as it was then said, was entered. Whereupon Mr. *Creswell* of *Lincolns Inn* spake to this purpose.

Mr *Creswell*.

"Justice (said he) is the Life and the Heart-blood of the Commonwealth: and if the Commonwealth bleed in the master vein, all the Balm in *Gilead* is but in vain to preserve this our Body of Policy from ruin and destruction, Justice is both *Columna & Corona Reipublice*; She is both the Columne and the Pillar, the Crown and the Glory of the Commonwealth; this is made good in Scripture by the Judgement of *Solomon*, the wisest King that ever Raigned upon Earth. For first, She is the Pillar; for he saith, *By Justice the Throne shall be Established*. Secondly, She is the Crown; for he saith, *That by Justice a Nation shall be Exalted*.

"Our Laws which are the rules of this Justice, they are the *ne plus ultra* to both the King and the Subject; and as they are the *Hercules Pillar*, so they are the Pillar to every *Hercules*, to every Prince, which he must not pass.

Give

" Give me leave to resemble her to *Nebuchadnezar's* Tree, for she is
" so great, that she doth shade not onely the Palace of the King and the
" House of Nobles, but doth also shelter the Cottage of the poorest Begger.

" Wherefore, if either now the blasts of indignation, or the unresist-
" able violater of Laws, *Necessity*, hath so bruised any of the Branches of
" this Tree, that either our Persons, or Goods, or Possessions have not the
" same shelter as before, yet let us not therefore neglect the root of this
" great Tree, but water it with our Tears, that so these bruised Branches
" may be recovered, and the whole Tree again prosper and flourish. I know
" well, that *Cor regis inscrutabile*; and that Kings, although they are but
" men before God, yet they are gods before men. And therefore to my
" gracious and dread Sovereign (whose vertues are true qualities, ingene-
" rate both in his judgment and nature) let my arm be cut off; nay, let my
" soul not live that day that I shall dare to lift up my arm to touch that
" forbidden Fruit, those Flowers of his Princely Crown and Diadem.

" But yet in our *Eden*, in this Garden of the Commonwealth, as there
" are the Flowers of the Sun, which are so glorious, that they are to be
" handled only by Royal Majesty: So, are there also some Dayies, and
" wholesom Herbs, which every common hand that lives and labors in this
" Garden may pick and gather up, and take comfort and repose in them:
" Amongst all which this *Oculus Dei*, this *bona libertas* is one, and the chief
" one. I will now descend to the Question, wherein I hold with all dutiful
" submission to better judgments, that these acts of Power, in imprison-
" ing and confining of his Majesties Subjects in such manner, without any
" Declaration of the Cause, are against the fundamental Laws and Liber-
" ties of this Kingdom.

" The first from the great favor which the Law doth give unto, and
" the great care which it hath ever taken of, the Liberty and safety of this
" Kingdom.

" To proceed therefore in maintenance of my first reasons, I find our Law
" doth so much favor the Subjects Liberty of his person, that the body of a
" man was not liable to be arrested or imprisoned for any other Cause at the
" Common-Law, but for force and things done against the Peace: For the
" Common-Law (being the preserver of the Land) so abhorreth force, that
" those that commit it she accounteth her capital Enemies, and therefore
" did subject their bodies to imprisonment. But by the Statute of *Marle-*
" *bridge cap. 24.* which was made 35 *H. 3.* who was the eighth King from
" the Conquest, because Bailiffs would not render accompts to their
" Lords, it was enacted, that their bodies should be attached. And after
" by the Stat: 23 *E. 3.* 17. who was the eleventh King after the Conquest,
" because men made no conscience to pay their Debts, it was enacted, that
" their bodies should likewise be attached: But before those Statutes, no
" mans body was subject to be taken or imprisoned, otherwise then as a-
" fore said; whereby it is evident, how much the Common-Law favored the
" Liberty of the Subject, and protected his body from imprisonment.

Here he enforced the Reason by a Rule in Law, and mentioned some
Cases in Law upon that rule, and so proceeded to a second Reason, drawn
by an Argument *à majore ad minus*.

" I frame it thus (said he) If the King have no absolute power over our
" Lands or Goods, then *à fortiori*, not over our Persons, to imprison them,
" without declaring the cause, for our persons are much more worth, then
" either Lands or Goods; which is proved by what I have said already:
" And Christ himself makes it clear, where he saith, *An non est corpus supra*
" *vestimentum?*

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"*vestimentum* ? Is not the Body of more worth then the Raiment ? Nay, I may
 "well say, that almost every leaf and page of all the Volumes of our Com-
 "mon-Law prove this right of Propriety, this distinction of *meum* and *tu-*
 "*um*, as well between King and Subject, as one Subject and another : And
 "therefore my conclusion follows, that if the Prerogative extend not nei-
 "ther to Lands nor to Goods, then à *fortiori*, not to the Person, which is
 "more worth then either Lands or Goods, as I said. And yet I agree, that
 "by the very Law of Nature, service of the Person of the Subject is due
 "to his Sovereign, but this must be in such things which are not against the
 "Law of Nature; but to have the body imprisoned without any cause de-
 "clared, and so to become in bondage, I am sure is contrary unto, and a-
 "gainst the Law of Nature, and therefore not to be inforced by the So-
 "veraign upon his Subjects.

3. "My next Reason is drawn *ab inutili & incommodo* ; for the Statute
 "*de frangentibus prisonam* made 1 E. 2. is, *Quod nullus qui prisonam fregerit*
 "*subeat iudicium vite vel membrorum pro fractione prisonæ tantum nisi causa*
 "*pro qua captus imprisonetur tale iudicium requirat*, whence this conclusion is
 "clearly gathered, that if a man be committed to prison without declaring
 "what cause; and then if either Malefactor do break the Prison, or the
 "Gaoler suffer him to escape, albeit the Prisoner so escaping had commit-
 "ted *crimen lese Majestatis*; yet neither the Gaoler, nor any other that
 "procured his escape, by the Law suffer any corporal punishment for set-
 "ting him at large; which if admitted, might prove in consequence a mat-
 "ter of great danger to the Commonwealth.

4. "My next Reason is drawn *ab regis honore*, from that great Honor the
 "Law doth attribute unto Sovereign Majesty, and therefore the rule of
 "Law is that *Solum Rex hoc non potest facere, quod non potest justè agere*. And
 "Hussey chief Justice, 1 H. 7. saith, that Sir John Markham told King E. 4.
 "he could not arrest a man either for Treason or Felony, as a Subject
 "might, because that if the King did wrong, the party could not have an
 "Action against him; and if the Kings Writ under his Great-Seal cannot
 "imprison the Subject, unless it contains the cause; shall then the Kings
 "Warrant otherwise do it, without containing the cause? that his Judge
 "upon the return thereof, may likewise judge of the same.

"But I will conclude with that which I finde reported of Sir John Da-
 "vis, who was the Kings Serjeant, and so by the duty of his place would no
 "doubt maintain, to his uttermost, the Prerogatives of the King his Royal
 "Master : And yet it was by him thus said in those Reports of his up-
 "on the Case of Tavistry-Customs, That the Kings of England alwayes
 "have had a Monarchy Royal, and not a Monarchy Seignoral : where, un-
 "der the first saith he, *The Subjects are Freeman, and have Propriety in their*
 "*Goods and Free-hold, and Inheritance in their Lands : But under the later,*
 "*they are as Villains and Slaves, and have propriety in nothing.* And there-
 "fore said he, *When a Royal Monarch makes a new conquest; yet if he receive*
 "*any of the Nations ancient Inhabitants into his Protection, they and their heirs*
 "*after them shall enjoy their Lands and Liberties according to the Law.* And
 "there he vouched this President and Judgment following, given before
 "William the Conqueror; viz. *That one Sherborn, a Saxon, at the time of the*
 "*Conquest being owner of a Castle and Lands in Norfolk, the Conqueror gave*
 "*the same to one Warren a Norman, and Sherborn dying, the heir claiming*
 "*the same by descent, according to the Law; it was before the Conqueror him-*
 "*self adjudged for the heir, and that the gift thereof by the Conqueror was void.*

Upon this and other Arguments made in this Case of the *Habeas Corpus*,
 the

the House referred the whole Business to a Committee to examine all the Proceeding: Concerning which Mr *Selden* afterward made report to the House, that Mr *Waterhouse* a Clerk in the Crown Office, being examined before the Committee, did confess, that by direction from Sir *Robert Heath* the Kings Attorney-General, he did write the draught of a Judgement in the Case before mentioned, which was delivered to Mr Attorney. And Mr *Keeling* being examined before the Committee, did confess, that after *Mich:* Term last the Attorney General wished him to make a special Entry of the *Habeas Corpus*: To which he answered, he knew no special Entry in those Cases, but only a *remittitur*: But said to Mr Attorney, that if he pleased to draw one, and the Court afterwards assent to it, he would then enter it. The Attorney did accordingly make a draught, and the Copy thereof Mr *Keeling* produced to the Committee. And further said, that he carried this draught to the Judges, but they would not assent to a special Entry: Nevertheless, the At. General divers times sent to him, and told him there was no remedy, but he must enter it. Yet a week before the Parliament the Att. General called for the draught again, which accordingly he gave unto him, and never heard of it more.

Sir *Robert Philips* upon this Report gave his opinion, "That this intended Judgement in the *Habeas Corpus* was a draught made by some man "that desired to strike us all from our Liberties: but the Judges justly "refused it; but if the Judges did intend it, we sit not here (said he) to "answer the trust we are sent for, if we present not this matter to his Ma- "jesty. Let this business be further searched into, and see how this Judge- "ment lies against us, and what the Judges do say concerning the same.

Sir *Edw. Cook* proceeded and said, "This Draught of the Judge- "ment will sting us, *quia nulla causa fuit ostenta*, being committed by com- "mand of the King, therefore he must not be bailed: What is this, but to "declare upon Record, that any Subject, committed by such absolute "command, may be detained in Prison for ever? What doth this tend to "but the utter subversion of the choise Liberty and Right belonging to "every free-born Subject of this Kingdom? I fear, were it not for this Par- "liament, that followed so close after that form of Judgement was drawn "up, there would have been hard putting to have had it entred: But a Par- "liament brings Judges, Officers, and all men in good order.

The Commons afterwards upon further debates of this matter, desired, that the Judges of the Kings-Bench might declare themselves concerning this business, which was done accordingly, and though it be a little out of time; yet for coherence sake, we bring it in here.

Judge *Whitlock* spake thus.

"My Lords, We are, by your appointment, here ready to clear any "Asperion of the House of Commons in their late presentment upon "the Kings-Bench, that the Subject was wounded in the Judgement there "lately given. If such a thing were, My Lords, your Lordships, not they, "have the power to question and judge the same. But, My Lords, I say "there was no Judgement given, whereby either the Prerogative might "be enlarged, or the Right of the Subject trenched upon. It is true, my "Lords, in *Mich:* Term last, four Gentlemen Petitioned for a *Habeas Cor- "pus*, which they obtained, and Counsel was assigned unto them, the Re- "turn was *per speciale mandatum Domini Regis*, which likewise was made "known to us under the Hands of Eighteen Privy-Councillors. Now, "my Lords, if we had delivered them presently upon this, it must have "been, because the King did not shew cause wherein we should have

Sir Robert Philips.

Sir Edward Cook.

Judge *Whitlock* in justification of the Proceedings in the Upper-Bench upon the *Habeas Corpus*.

An. 1627.

“ judged the King had done wrong, and this is beyond our knowledge ;
 “ for he might have committed them for other matters then we could have
 “ imagined ; but they might say thus, they might have been kept in Pri-
 “ son all their dayes : I answer, no, but we did remit them, that we might
 “ better advise of the matter ; and they the next day might have had a
 “ a new Writ, if they had pleased. But they say we ought not to have
 “ denied bail : I answer, if we had done so, it must needs have reflected up-
 “ on the King, that he had unjustly imprisoned them : And it appears in
 “ *Dyer, 2 Eliz.* that divers Gentlemen being committed, and requiring
 “ *Habeas Corpus*, some were bailed, others remitted : whereby it appears,
 “ much is left to the discretion of the Judges.

For that which troubleth so much *remittitur quousq* ; This, my Lords
 “ was onely (as I said before) to take time what to do : and whereas they
 “ will have a difference between *remittitur* & *remittitur quousq* ; My Lords,
 “ I confesse, I can finde none ; but these are new inventions to trouble old,
 “ Records. And herein, my Lords, we have dealt with knowledge and un-
 “ derstanding ; for had we given a Judgement, the party must thereupon
 “ have rested ; every Judgement must come to an issue in matter, in fact,
 “ or demur in point of Law ; here is neither, therefore no Judgement.

“ For endeavoring to have a Judgement entred (it is true) Mr At-
 “ torney pressed the same for his Majesties Servies : But we having sworn
 “ to do right between his Majesty and his Subjects, commanded the Clerk
 “ to make no Entry, but according to the old form ; and the Rule was gi-
 “ ven by the Chief Justice alone. I have spent my time in this Court, and
 “ I speak confidently, I did never see nor know by any Record, that upon
 “ such a Return as this a man was bailed, the King not first consulted with,
 “ in such a Case as this.

“ The Commons House do not know what Letters and Commands
 “ we receive ; for these remain in our Court, and are not viewed by them.
 “ For the rest of the matters presented by the House of Commons, they
 “ were not in agitation before us, whether the King may commit, and how
 “ long he may detain a man committed. Therefore having answered so
 “ much as concerneth us ; I desire your Lorchips good Construction of
 “ what hath been said.

Judge Doderidge
 ridge the like.

Judge Doderidge, concerning the same Subject, said, “ It is no more
 “ fit for a Judge to decline to give an accompt of his doings, then for a
 “ Christian of his Faith. God knoweth, I have endeavored alwayes to
 “ keep a good Conscience ; for a troubled one, who can bear ? The
 “ Kingdom holds of none but God ; and Judgements do not pass pri-
 “ vately in Chambers, but publickly in Courts, (where every one
 “ may hear) which causeth Judgement to be given with maturity.
 “ Your Lordships have heard the Particulars given by my brother,
 “ how that Counsel being assigned to those four Gentlemen in the
 “ latter end of *Mich.* Term their Cause received hearing, and upon confi-
 “ deration of the Statutes and Records, we found some of them to be ac-
 “ cording to the good old Law of *Magna Charta* ; but we thought
 “ that they did not come so close to this Case, as that bail should be
 “ thereupon presently granted. My Lords, the *Habeas Corpus* consisteth
 “ of three parts ; The Writ, the Return upon the Writ or Schedule, and
 “ the Entry or Rule reciting the *Habeas Corpus* and the Return, together
 “ with the opinion of the Court, either a *remittitur*, or a *traditur in Balli-*
 “ *um*. In this Case a *remittitur* was granted, which we did, that we might
 “ take better advisement upon the Case, and upon the *remittitur*. My
 Lords,

3 Caroli.

A “ Lords, they might have had a new Writ the next day, and I wish they
 “ had, because it may be they had seen more, and we had been eased of a
 “ great labour. And, my Lords, when the Attorney, upon the *Remittitur*
 “ pressed an Entry, we all straitly charged the Clerk that he should make
 “ no other Entry, then such as our Predecessors had usually made in like
 “ Cases. For the difference between *Remittitur* and *Remittitur quousq;* I
 “ could never yet finde any: I have now sate in this Court 15 years, and
 “ I should know something: surely, if I had gone in a Mill so long, dust
 “ would cleave to my clothes. I am old, and have one foot in the Grave,
 “ therefore I will look to the better part as near as I can. But *Omina ha-*
 “ *bere in memoria, & in nullo errare, Divinum potius est quam humanum.*

The Lord Chief Justice *Hide*, and Justice *Fones* delivered their opi-
 nions much to the same purpose. The House proceeded in further debate
 of the Liberty of the Subject.

B Mr *Hackwel* resumes the Debate of the mattter concerning the *Habeas*
Corpus.

“ The late Judgement (said he) which lies in Bar, is onely an Award,
 “ and no Judgement; and in the L. Chief Justice his Argument there was
 “ no word spoken, that the King might commit or detain without cause.

Mr *Hackwel*
 resumes the
 Debate of the
Habeas Corpus

“ For the King to commit a man, is *indignum Regi*: Mercy and Honor
 “ flow immediately from the King, Judgement and Justice are his too,
 “ but they flow from his Ministers; the Sword is carried before him, but
 “ the Scepter in his hands. These are true Emblems of a good King.

C “ The Law admits not the King power of detaining in Prison at plea-
 “ sure. In antient times Prisons were but *pro custodia, carceres non ad po-*
 “ *nam, sed ad custodiam*: Admit the King may commit a man, yet to de-
 “ tain him as long as he pleaseth is dangerous, and then a man shall be pu-
 “ nished before his offence: Imprisonment is a Maceration of the body,
 “ and horror to the minde, it is *vita pejor morte.*

D Mr *Selden* last of all produced the Statutes, Presidents, and Book-
 Cases, which were expressed in point to the Question in hand; and the
 House commanded that Case in the Lord Chief Justice *Andersons* Book,
 all of his own hand-writing, to be openly read.

Mr *Selden.*

E And for the Presidents cited by the Kings Council, in 34 year of the
 Queen, as the Opinion of all the Judges; certainly, there was a great
 mistake in it, and the mistake was the greater, when it passed as currant
 by the Judges of the Kings-Bench, in the last Case of the *Habeas Corpus*.
 And that the truth of the Opinion may clearly appear, let us read the words
 out of the Lord Chief Justice *Andersons* Report, out of the Book written
 with his own hand, which will contradict all those Apocrypha Reports
 that go upon the Case: The words of the Report were these.

Judge *Anders-*
sons Reports.

F *Divers persons fueront committes a several temps a several prysons sur plea-*
sare sans bon cause parte de queux estiant amesnes en banck le Roy. Et parte en le
Commune banck fuerunt accordant a le ley de la terre mise a large & discharge
de le imprisonment, pur que aucunt grands fueront ostendus & procure
un commandment a les Judges que ils ne fera ainsi apres. Ceo nient meins, les
Judges ne surcease mes per advise enter eux ils fesoient certain Articles le te-
nour de queux ensus, & deliver eux al seigneurs Chancellor & Treasurer &
eux subscribe avec tous lour mainies, les Articles sont come eri noint.

We her Majesties Justices of both Benches and Barons of the Exchequer, de-
 sire your Lordships that by some good means some order may be taken, that her
 Highness Subjects may not be committed or detained in prison by commandment

An. 1627. of any Noble man or Councillor against the Laws of the Realm; either else to help us to have access to her Majesty, to the end to become Suitors to her for the same: for divers have been imprisoned for suing ordinary Actions and Suits at the Common-Law, until they have been constrained to leave the same against their wills, and put the same to order, albeit Judgement and Execution have been had therein to their great losses and griefs: for the aid of which persons her Majesties Writs have sundry times been directed to sundry persons having the Custody of such persons unlawfully imprisoned, upon which Writs no good or lawfull cause of imprisonment hath been returned or certified: Whereupon, according to the Laws they have been discharged of their imprisonment; some of which persons so delivered, have been again committed to prison in secret places, and not to any common or ordinary Prison, or lawfull Officer or Sheriff, or other lawfully authorized, to have or keep a Goal: So that upon complaint made for their delivery, the Queens Courts cannot tell to whom to direct her Majesties Writs; and by this means Justice cannot be done. And moreover, divers Officers and Serjeants of London have been many times committed to Prison for lawfull executing of her Majesties Writs, sued forth of her Majesties Court at Westminster, and thereby her Majesties Subjects and Officers are so terrified, that they dare not sue or execute her Majesties Laws, her Writs and Commandments: Divers others have been sent for by Pursuivants, and brought to London from their dwellings, and by unlawfull imprisonment have been constrained, not only to withdraw their lawfull suits, but have been also compelled to pay the Pursuivants so bringing such persons great sums of money. All which upon complaint, the Judges are bound by Office and Oath to relieve and help, by, and according to her Majesties Laws. And where it pleaseth your Lordships to will divers of us to set down in what Cases a Prisoner sent to custody by her Majesty or her Conncel, are to be detained in Prison and not to be delivered by her Majesties Court or Judges: We think, that if any person be committed by her Majesties command, from her person, or by order from the Council board; and if any one or two of her Council commit one for high Treason, such persons so in the Cases before committed, may not be delivered by any of her Courts, without due Trial by the Law, and Judgement of acquittal had. Nevertheless the Judges may award the Queens Writ, to bring the bodies of such Prisoners before them; and if upon return thereof, the causes of their commitment be certified to the Judges, as it ought to be, then the Judges in the Cases before, ought not to deliver him, but to remand the Prisoner to the place from whence he came, which cannot conveniently be done, unless notice of the cause in general, or else in special, be given to the Keeper or Goaler that shall have the Custody of such a Prisoner. All the Judges and Barons did subscribe their names to these Articles, Ter. Paschæ 34 Eliz. and delivered one to the L. Chancellor, and another to the L. Treasurer: after which time there did follow more quietness then before, in the Cause before mentioned.

Sir Edward
Cook.

After the reading of this Report, Sir Edw. Cook said, "That of my own knowledge this Book was written with my L. Andersons own hand; "it is no flying report of a young Student. I was Solicitor then, and Treasurer Burley was as much against Commitment as any of this Kingdom; "It was the White Staves that made this stir. Let us draw towards a conclusion: The Question is, whether a Feeman can be imprisoned by the King without setting down the cause? I leave it as bare as *Æsops* Crow; "they that argue against it, *Humores moti & non remoti corpus destruunt*. It "is a Maxime, the Common-Law hath admeasured the Kings Prerogative, "that in no Case it can prejudice the Inheritance of the Subjects; had the "Law given the Prerogative to that which is taken, it would have set "some time to it, else mark what would follow. I shall have an Estate of In-

"heritance

A “heritance for life, or for years in my Land, or propriety in my Goods, and
 “I shall be a Tenant at will for my liberty: I shall have propriety in my own
 “house, and not liberty in my person, *Perpicue vera non sunt probanda*. The
 “King hath distributed his Judicial power to Courts of Justice, and to Mi-
 “nisters of Justice, it is too low for so great a Monarch as the King is, to
 “commit men to Prison; and it is against Law, that men should be com-
 “mitted, and no cause shewed. I would not speak this, but that I hope my
 “Gracious King will hear of it; yet it is not I *Edw. Cook* that speaks it,
 “but the Records that speak it, we have a National appropriate Law to
 “this Nation *diversis ab orbe Britannis*: I will conclude with the *Acts of*
 “*the Apostles*, chap. 25. *It is against reason to send a man to Prison, and not to*
 “*shew the cause*. It is now time to go to the Question.

Resolved upon the Question, Nemine contradicente:

B I. That no Freeman ought to be detained or kept in Prison, or other-
 wise restrained by the command of the King or the Privy-Council, or any
 other, unless some cause of the commitment, detainer or restraint be expres-
 sed, for which by Law he ought to be committed, detained or restrained.

Resolves
touching the
Subjects libe-
rty in his Per-
son.

II. That the Writ of *Habeas Corpus* may not be denied, but ought to
 be granted to every man that is committed or detained in Prison, or other-
 wise restrained, though it be by the command of the King, the Privy-
 Council, or any other, he praying the same.

C III. That if a Freeman be committed or detained in prison, or other-
 wise restrained by the Command of the King, the Privy-Council, or any
 other, no cause of such Commitment, Detainer or Restraint being ex-
 pressed, for which by Law he ought to be committed, detained, or restrain-
 ed, and the same be returned upon a *Habeas Corpus*, granted for the said
 Party, then he ought to be delivered or bailed.

And then taking into consideration the Property of the Subject in
 his Goods, they came to this Resolution, to which there was not a Ne-
 gative; *viz.*

D That it is the antient and undubitable right of every Freeman, That
 he hath a full and absolute Property in his Goods and Estate, that no Tax,
 Tallage, Loan, benevolence, or other like charge ought to be commanded,
 or levied by the King, or any of his Ministers without common consent
 by Act of Parliament.

Wednesday, March 26.

The Propositions tendred the day before by Secretary *Cook* from his
 Majesty were now received and read, but the Debate thereof was referred
 to another day. The Propositions were these; *viz.*

An. 1628.

The Kings
Propositions
to the House
of Commons
touching Sup-
ply.

E 1. To furnish with men and Victuals 30 ships to guard the narrow Seas,
 and along the Coasts.

2. To set out ten other ships for the relief of the Town of *Rochel*.

3. To set out ten other ships for the preservation of the *Elbe*, the
Sound and *Baltick-Sea*.

4. To leavy Arms, Cloth, Victual, pay and transport an Army of
 1000. Horse, and 10000. Foot, for Foreign Service.

5. To pay and supply 6000 l. more for the service of *Denmark*.

F 6. To supply the Forts of the Office of Ordnance.

7. To supply the Stores of the Navy.

8. To build 20 ships yearly for the increase of the Navy.

9. To repair the Forts within the Land.

10. To pay the arrears of the Office of Ordnance.

11. To pay the arrears of the Victuallers Office.

12. To

An. 1628.

A Conference
between the
Lords and
Commons,
managed by
Secretary
Cook against
Recusants.

12. To pay the Arrear of the Treasure of the Navy.

13. To pay the Arrears due for the freight of divers Merchants ships employed in his Majesties Service.

14. To provide a Magazine for Victuals for Land and Sea-service.

And the Commons having a Conference with the Lords about the Petition against Recusants, Secretary Cook was appointed to manage the said Conference.

"In the first place (he said) we acknowledge all due honor, both unto the reverend Fathers of the Church, and to our Noble Lords, in that ye have shined before us as worthy Lights in the encouragement and maintenance of true Religion, being the true support of all Dignities and Honors. And this forwardness of you is the more remarkable, when that viperous Generation, as your Lordships justly stiled them, do at ease with tooth and nail essay to rend the Bowels of their Mother. Give me leave to tell you what I know, that these now both vaunt at home and write to their friends abroad, They hope all will be well, and doubt not to prevail, and to win ground upon us.

"And a little to awake the Zeal and Care of our learned and grave Fathers, it is fit that they take notice of that Hierarchy which is already established in competition with their Lordships; for they have a Bishop consecrated by the Pope; This Bishop hath his Subalternate Officers of all kinds, as Vicars-General, Arch-Deacons, Rural-Deans, Apparators, and such like: neither are these nominal or titular Officers alone; but they all execute their Jurisdictions, and make their ordinary Visitations through the Kingdom, keep Courts, and determine Ecclesiastical Causes. And which is an Argument of more consequence, they keep ordinary intelligence by their Agents in Rome, and hold correspondence with the Nuntio's and Cardinals both at *Bruxels*, and in *France*.

"Neither are the Seculars alone grown to this height, but the Regulars are more active and dangerous, and have taken deep root; they have already planted their Societies and Colledges of both Sexes, they have settled Revenues, Houses, Libraries, Vestments, and all other necessary provisions, to travel or stay at home: nay, even at this time they intend to hold a concurrent Assembly with this Parliament.

"But now since his Sacred Majesty hath extended his Royal arm, and since the Lords of his Council have by their Authority caused this nest of Wasps to be digged out of the Earth, and their Convocations to be scattered; And since your Lordships joyn in courage and resolution, at least to reduce this people to their lawfull restraint, that they may do no more hurt, we conceive great hope and comfort, that the Almighty God will from henceforth prosper our endeavors both at home and abroad.

"But now, my Lords, to come to the chief Errand of this our meeting, which is to make known to you the Approbation of our House of that Petition to his Majesty, wherein you are pleased to request our concurrence. The House hath taken it into serious consideration, and from the beginning to the end approve of every word, and much commend your happy pen; onely we are required to present unto you a few Additions whereby we conceive the Petition may be made more agreeable to the Statutes which are desired to be put in execution, and to a former * Petition granted by his Majesty, Recorded in both Houses, confirmed under the Broad-Seal of *England*, and published in all our Courts of ordinary Justice.

"But

“ But these things we propound, not as our Resolutions, or as matters to
 “ raise debate or dispute, but commend them onely as our advice and de-
 “ fire, being ready notwithstanding to joyn with your Lordships in the
 “ Petition, as now it is, if your Lordships shall not finde this Reason to be
 “ of weight.

This being agreed unto; on *Monday* the 31 of *March*, the aforesaid
 Petition was presented by his Majesty to both Houses; at the delivery
 whereof the Lord Keeper spake as followeth.

Most Gracious Sovereign,

T He Lords Spiritual and Temporal, and Commons in this present
 Parliament assembled, out of due care of the Glory of Almighty
 God, and of the Honor and Safety of your Majesty, do with all
 humbleness, and with one unanimous, consent present to your Royal
 hands, the most Loyal desires of all their hearts; which is set down in a
 dutifull Petition, which is to quicken the Laws against the Perturbers
 of the Peace of all States: We cannot, nor do not forget your Maje-
 sties most gracious Acts and Answers on the like Petition; they are vi-
 sible to the world, to your Majesties honor and comfort: We bend our
 knees and hearts, blessing God and your Majesty therefore; yet let it
 not seem needles, that we repair again to your Majesty: The Husband-
 man knows what Weeds are not destroyed at one weeding. These are
 growing Evils, they are Weeds of a spreading nature: And we that
 come from all parts do think it our duty to tell your Majesty, that Gods
 Vineyard is not yet cleansed. And God himself requires, that we pray to
 him often, even for what he means and promiseth to bestow on us. But
 my Message comes from the Pen of both Houses: And therefore I hum-
 bly beseech your Majesty to lend a gracious ear to hear me read the
 Petition.

After the reading thereof, his Majesty made this short speech.

My Lords and Gentlemen,

I Do very well approve the Method of your proceedings in this Par-
 liament; *A Fove principium*; hoping that the rest of your Consultati-
 ons will succeed the happier. And I like the Preamble of my Lord
 Keeper, otherwise I should have a little suspected that you had thought
 me not so careful of Religion as I have, and ever shall be, wherein I am
 as forward as you can desire. And for the Petition, I answer first in ge-
 neral, That I like it well, and will use these as well as other means for the
 maintenance and propagation of that Religion wherein I have lived, and
 do resolve to die. But for the particulars, you shall receive a more full
 Answer hereafter. And now I will only add this; That as we pray to
 God to help us, so we must help our selves: For we can have no assu-
 rance of his assistance, if we do lie in bed, and only pray, without using
 other means. And therefore I must remember you, that if we do not
 make provision speedily, we shall not be able to put one ship to Sea this
 year. *Verbum sapienti sat est.*

Afterwards the Lord Keeper signified unto the House, That his Ma-
 jesty had now given his Answer unto the Petition exhibited by both
 Houses against Recusants, and had commanded his Lordship to read the
 same Answer in this House; and Mr Secretary to read it in the House of
 Commons. Whereupon the Clerk read the first Article of the said Peti-
 tion,

4 Caroli.

The Lord
 Keepers
 Speech at the
 presenting a
 Petition from
 both Houses
 against Recu-
 sants.

The Kings
 Answer to the
 Petition.

An. 1628.

tion, and the Lord Keeper read his Majesties Answer unto the same, and so each Article thereof.

The which Petition with the Answers follow *in hac verba*.

Most Gracious Sovereign,

WE your most Loyal and obedient Subiects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, having to our singular comfort obtained your Majesties pious and gracious assent for a Publick Fast, to appeale the wrath of Almighty God kindled against us, and to prevent those grievous Judgments, which do apparently press upon us, do in all humility present unto your sacred Majesty all possible thanks for the same. And because the publick and visible sins of the Kingdom, are the undoubted causes of those visible Evils that are fallen upon us; Amongst which sins, (as is apparent by the word of God) Idolatry and Superstition are the most hapnous and crying sins; To the end that we may constantly hope for the blessing of God to descend upon this our publick Humiliation, by abandoning those sins which do make a wall of Separation betwixt God and us.

1. Article.

WE most humbly and ardently beg at the hands of your most Sacred Majesty, That your Majesty will be pleased to give continual life and motion to all those Laws that stand in force against Jesuites, Seminary Priests, and all that have taken Orders by Authority of the Sea of Rome, by exacting a more due and serious execution of the same: Amongst which number, those that have highly abused your Majesties clemency, by returning into the Kingdom after their banishment, contrary to your Highness express Proclamation, we humbly desire may be left to the severity of your Laws, without admitting of any mediation or intercession for them. And that such of your Majesties unsound and ill-affected Subiects, as do receive, harbor, or conceal any of their viperous Generation, may without delay suffer such Penalties and Punishments as the Laws most justly impose upon them.

His Majesties Answer unto the first Article of this Petition.

TO the first Point his Majesty answereth, That he will according to your desire give both life and motion to the Laws that stand in force against Jesuites, Seminary Priests, and all that have taken Orders by Authority of the Sea of Rome: and to that end his Majesty will give strict order to all his Ministers for the discovering and apprehending of them, and so leave them being apprehended to the trial of the Law. And in case, after trial, there shall be cause to respite execution of any of them; yet they shall be committed (according to the example of the best times) to the Castle of *Wishitch*, and there be safely kept from exercising their Functions, or spreading their Superstitious and dangerous Doctrine; and the Receivers and Abettors they shall be left to the Law.

2. Article.

That your Majesty would be pleased to command a surer and strait watch to be kept in and over your Majesties Ports and Havens, and to commit the care and charge of searching of Ships for the discovery, and apprehension aswel of Jesuites and Seminary Priests brought

brought in, as of Children and young Students, sent over beyond the Seas, to suck in the poyson of Rebellion and Superstition, unto men of approved fidelity and Religion: And such as shall be convicted to have connived or combined in the bringing in of the one, or conveying of the other, that the Laws may pass upon them with speedy execution.

His Majesties Answer to the second Article.

A
TO the second Article; His Majesty granteth all that is in this Article; and to this end will give Order to the Lord Treasurer, Lord Admiral, and Lord Warden of the Cinque Ports, that in their severall places they be careful to see this Article fully executed, giving strict charge to all such as have place and authority under them, to use all diligence therein. And his Majesty requireth them, and all other his Officers and Ministers, to have a vigilant eye upon such as dwell in dangerous places of advantage
B or opportunity, for receiving or transporting of any such as are here mentioned. And his Majesty will take it for good Service, if any will give knowledge of any such as have connived or combined, or shall connive or combine, as is mentioned in this Article, that Justice may be strictly done upon them.

C
That considering those dreadful dangers (never to be forgotten) which did involve your Majesties sacred Person, and the whole representative body of your Majesties Kingdom, plotted and framed by the free and common accels of Popish Recusants to the City of London, and to your Majesties Court, Your Majesty would be graciously pleased to give speedy command for the present putting in practise those Laws, that prohibit all Popish Recusants to come to the Court, or within ten Miles of the City of London; as also those Laws that confine them to the distance of five miles from their dwelling Houses; and that such by-past Licenses not warranted by Law, as have been granted unto them for their repair to the City of London, may be discharged and annulled.

3. Article.

His Majesties Answer to the third Article.

D
TO the third; His Majesty will take Order to restrain the recourse of Recusants to the Court; and also for the other points in this Article his Majesty is well pleased that the Laws be duely executed, and that all unlawful Licenses be annulled and discharged.

E
That whereas it is more then probably conceived, that infinite
F sums of moneys have within these two or three years last past been extracted out of the Recusants within the Kingdom by colour of composition, and a small propotion of the same returned unto your Majesties coffers, not onely to the suddain enriching of private persons, but to the emboldning of Romish Recusants to entertain Massing Priests into their private Houses, and to exercise all their Humique Rites of their gross superstition, without fear of control, amounting (as by their
F daily practice and ostentation we may conceive) to the nature of a concealed Toleration, your Majesty would be graciously pleased to entertain this particular more neerly into your Princely wisdom and consideration, and to dissolve this Mystery of Iniquity patched up of colourable Leases, Contracts, and Disconveyances, being but Masks on the one part of fraud to deceive your Majesty and States, on the other part for private men to accomplish their corrupt ends.

4. Article.

An. 1628.

His Majesties Answer to the fourth Article.

TO the fourth Article ; his Majesty is most willing to punish for the time past, and prevent for the future, any of the deceits and abuses mentioned in this Article ; and will account it a good service in any, that will inform Himself, his Privy Council, Officers of his Revenues, Judges, or learned Council, of any thing that may reveal this mystery of Iniquity. And his Majesty doth strictly command every of them, to whom such information shall be brought, that they suffer not the same to die, but do their uttermost endeavour to effect a clear discovery, and bring the Offenders to punishment. And to the intent no concealed toleration may be effected, his Majesty leaves the Laws to their course.

5. Article.

That as the Persons of Ambassadors from forain Princes, and their Houses, be free for the exercises of their own Religion, so their Houses may not be made free Chappels and Sanctuaries unto your Majesties Subjects, popishly affected, to hear Mass, and to participate in all other Rites and Ceremonies of that Superstition, to the great offence of Almighty God, and scandal of your Majesties People loyally and religiously affected : That either the concourse of Recusants to such places may be restrained, or at least such a vigilant watch set upon them, at their return from those places, as they may be apprehended, and severely proceeded withal, Ut qui palam in luce peccant in luce puniantur.

His Majesties Answer to the fifth Article.

TO the fifth ; his Majesty is well pleased to prohibit and restrain their coming and resort to the Houses of Ambassadors, and will command a vigilant watch to be set for their taking and punishing, as is desired.

6. Article.

That no place of Authority and Command, within any the Counties of this your Majesties Kingdom, or any Ships of your Majesties, or which shall be employed in your Majesties Service, be committed to Popish Recusants, or to Non-communicants, by the space of a year past, or to any such persons as according to direction of former Acts of State are justly to be suspected, as the place and Authority of Lords Lieutenants, Deputy Lieutenants, Justices of Peace, or Captains, or other Officers or Ministers mentioned in the Statute made in the third year of the reign of your father of blessed memory: And that such as by Convenience have crept into such places, may by your Majesties Royal Command be discharged of the same.

His Majesties Answer to the sixth Article.

TO the sixth; his Majesty is perswaded that this Article is already observed with good care ; nevertheless, for the avoiding (as much as may be) all errors and escapes in that kinde, his Majesty will give charge to the Lord Keeper, that at the next Term he call unto him all the Judges, and take Information from them of the state of their severall Circuits, if any such (as are mentioned in this Article) be in the Commission of the peace, that due reformation may be made thereof ; And will likewise give order to the Lord Admiral, and such others to whom it shall appertain, to make diligent enquiry and certificate to his Majesty, if any such be in place of Authority and Command in his Ships or Service.

That

4 Carol.

7. Article.

That all your Majesties Judges, Justices, and ministers of Justice, unto whose care and trust, execution (which is the life of your Majesties Laws) is committed, may by your Majesties Proclamation, not onely be commanded to put in speedy execution those Laws which stand in force against Jesuits, Seminary Priests, and Popish Recusants, but that your Majesty would be further pleased to command the said Judges and Justices of Assize, to give a true and strict account of their proceedings, at their returns out of their Circuits, unto the Lord Keeper, and by the Lord Keeper to be presented unto your Majesty.

His Majesties Answer unto the seventh Article.

To the seventh his Majesty doth fully grant it.

8. Article.

And for a fair and clear eradication of all Popery for the future, and for the breeding and nursing up of a holy generation, and a peculiar People sanctified unto the true worship of Almighty God, that until a provisional Law may be made for the training and educating of the Children of Popish Recusants in the grounds and principles of our holy Religion, which we conceive will be of more power and force to unite your people unto you in fastness of love, Religion and loyal obedience, then all pecuniary Mults and Penalties that can possibly be devised: Your Majesty would be pleased to take it into your own princely care and consideration, these our humble Petitions proceeding from hearts and affections loyally and religiously devoted to God and your Majesties Service, and to the safety of your Majesties sacred Person, we most zealously present to your Princely wisdom, craving your Majesties chearful and gracious approbation.

His Majesties Answer to the eighth Article.

TO the eighth, his Majesty doth well approve it, as a matter of necessary consideration, and the Parliament now sitting, he recommendeth to both Houses the preparation of a fitting Law to that effect. And his Majesty doth further declare, that the mildeness that hath been used towards those of the Popish Religion, hath been upon hope that forain Princes thereby might be induced to use moderation towards their Subjects of the Reformed Religion; but not finding that good effect which was expected, His Majesty resolveth, unless he shall very speedily see better fruits, to add a further degree of severity, to that which in this petition is desired.

Debates touching his Majesties propositions.

Sir Francis Scimor,

ON *Wednesday* the second of *April*, the Propositions sent from the King, were mentioned, and several Gentlemen expressed themselves severally on that subject.

IT is said, that the greatest grievance is want of supply; but I hold it a greater grievance that his Majesty is brought into those necessities, especially considering the supplies that of late have been given to the King, two Subsidies of Parliament, besides privy Seals, the late Loan, whereby five Subsidies were forcibly and unadvisedly taken, and we have yet purchased to our selves nothing by all these but our own dishonor, we have drawn and provoked two powerful enemies upon us; it is not then what the Subjects do give, unless his Majesty imploy men of integrity and experience, otherwise all that we give will be as cast into a bottomless bag.

An. 1628.

Sir Nath.
Rich.

"Some propositions we shall not meddle with, as a sovereign Army to be transported, we are not fit for that yet, but we will not reject it, for great Princes, who give out Rumors of raising great Armies, do put their Enemies to great fears; then the defence of our Coasts, nothing is more necessary; but the bill of Poundage is for that particular supply, and how far it may prejudice us for a future Precedent, to give other supply, let us be advised.

A

Secr. Cook.

Mr. Secretary Cook, observing a distinction made upon the propositions, as if some of them were to be omitted, "I know (said he) you will do it upon deliberation; some there are not possible to be omitted, as the Guarding of the Seas, defence of the *Elbe Rotchel*, and those draw on all the rest: Ships must have Men and Munition, and we cannot divide any of these. This House is tender of the Countrey; the King will not lay a burthen that cannot be born; We may supply his Majesty without this, give we now what we please, the King may make use of it before the People are able to pay; and we shall not onely make his Majesty subsist, but advance his reputation in the world, by the unity of his People, more then by any treasure.

B

Sir John
Elliot.

"Indeed there may be some necessity for a war offensive, but looking on one late dyfaster, I tremble to think of sending more abroad.

"Let us consider those two great undertakings at *Cales* and *Ree*; at *Cales* that was so gloriously pretended, where our men arrived and found a Conquest ready, namely, the *Spanish* Ships, a satisfaction sufficient and fit for us, and this confessed by some then employed, and never but granted by all, that it was feasible and easie, why came this to nothing? After that opportunity lost, when the whole Army was landed, with destruction of some of our men, why was nothing done? if nothing was intended, why were they landed, and why were they shipt again? For *Rees* voyage, was not the whole action carried against the judgement of the best Commanders? was not the Army landed? Not to mention the leaving of the Wines, nor touch the wonder that *Cesar* never knew, the enriching of the Enemy by curtesies: Consider what a case we now are in, if on the like occasion, or with the like instruments, we shall again adventure another expedition. It was ever the wisdom of our Ancestors here, to leave Forain Wars wholly to the State, and not to meddle with them.

C

D

Sir Ed. Cook.

"Sir Edw. Cook. When poor *England* stood alone, and had not the access of another Kingdom, and yet had more and as potent Enemies as now it hath, yet the King of *England* prevailed.

"In the Parliament Roll, in the 42. year of *Edw.* 3. the King and the Parliament gave God thanks for his victory against the Kings of *Scotland* and of *France*, he had them both in *Windfor* Castle as Prisoners. What was the reason of that Conquest? four reasons were given. 1. The King was assisted by good Counsel. 2. There were valiant men. 3. They were timely supplied. 4. Good Imployment.

"3. R. 2. The King was inviron d with the *Flemins*, *Scots* and *French*, and the King of *England* prevailed.

13. R. 2. The King was invironed with *Spaniards*, *Scots* and *French*, and the King of *England* prevailed.

E

F

" 17 R. 2. Wars were in Ireland and Scotland, and yet the King of England prevailed, and thanks were given to God here; And I hope I shall live to give God thanks for our Kings victories.

" 7 H. 4. One or two great men about the King so mewed him up, that he took no other advice but from them, whereupon the Chancellor took this Text and Theam in his Speech at the Parliament, *Multorum consilia requiruntur in magnis, in bello qui maxime timent sunt in maximis periculis.*

A " Let us give and not be afraid of our enemies, let us supply bountifully, cheerfully, and speedily, but enter not into particulars: *Solomons Rule* is, *Qui repetit separat, nay, separat fœderatos*: We are united in duty, &c. to the King, the King hath fourscore thousand pounds a year for the Navy, and to scowre the Narrow-seas, it hath been taken, and we are now to give it, and shall we now give more to guard the Seas? besides, when that is taken of our gift, it may be diverted another way.

B " It shall never be said we deny all supply, I think my self bound, where there is *commune periculum*, there must be *commune auxilium*.

" I Cannot forget that duty I owe to my Countrey, and unless we be secured against our Liberties, we cannot give; I speak not this to make divisions, but to the end that giving I may give cheerfully. As for the Propositions to be considered of, I incline to decline them, and to look upon the State of our Countrey, whether it be fit to give, or no: Are we come to an end for our Countries Liberties? have we trenched on the rates of the Deputy Lieutenants? are we secured for time future?

Sir Thomas Wentworth

D " VV E all desire remedies for our Grievances, and without them we shall neither be willing nor able to give; for my part, I heartily desire remedy, but which is the best and wisest way, that is the question: As we have made some progress in our Grievances, so let us now go on to supply; There is a Proverb, *Non bis ad idem*, dash not the Commonwealth twice against one Rock. We have Grievances, we must be eased of them; who shall ease us? No Nation hath a people more loving to the King, then we; but let the King think it and believe it, there is a distance betwixt him and us, before we can have his heart, we must remove it: Our disease is not so great but that it may be cured, it is the Kings Evil which must be cured with Gold; let us imitate *Jacob*, who wrestled with the Angel, and would not let him go; I would we could wrestle with the King in duty and love, and not to let him go in this Parliament, till he comply with us: We must take heed of too much repetition and overbeating of Grievances, it is dangerous, and it may make a further separation: He that talks too much of his Grievance, makes the party that is the cause of it make an apology, and to justify it, and that is dangerous: let us do as Poets in a Tragedy, that sometimes have Comical Passages, and so a generous mind will sink presently. Sure a due presentation of such Grievances to such a King with moderation, will take place with him: In all deliberations go the safest way; The old way I have heard is first to remove Grievances; we must not ty and bind our selves by all that was done before: I have gone over the Thames in former times on foot, when it was all an Ice, but that is no argument to perswade me by to do the like now, because I did so once.

Sir Henry Martin,

F " The House waving the Debate of the Propositions proceeded with Grievances by Confinement, and Designation for forain employment, in which points several Gentlemen delivered their opinion.

The House waves, &c.

" Con-

An. 1628.

Mr. Selden.

“Confinement is different from Imprisonment, and it is against the Law that any should be confined either to his House, or elsewhere: I know not what you can call a Punishment, but there is some ground of it, or mention thereof in Acts of Parliament, Law-books, or Records, but for this of Confinement, I finde none: indeed Jews have been confined in former times to certain places, as here in *London* to the old *Fury*: The Civilians have perpetual Prisons and coercive Prisons, upon Judgements in Court, *Carcer domesticus* is a confinement for madmen.

A

Sir T. Hob-
by.

“I Was employed in 88. in that service, it was then thought fit that Recu-
“sants should be confined in strong places, but it was not held legal, and
“when the Navy was dispersed they were set at liberty, and the Parlia-
“ment petitioned the Queen for a Law, to warrant the Confinement: Here-
“upon it was resolved, That no freeman ought to be confined by any com-
“mand of the King or Privy Council, or any other, unless it be by Act of
“Parliament, or by other due course or warrant of Law. And then the
House proceeded to the Debate, concerning Designation to forain Im-
ployment.

B

Sir Peter
Hayman a-
bout forein
employment.

“Touching Designation to forain Employment, Sir *Peter Hayman* opened
his own Case: “I have forgot my employment unto the Palatinate, I
“was called before the Lords of the Council, for what I know not, I heard
“it was for not lending on a Privy Seal, I told them if they will take my
“Estate, let them, I will give it up, give I will not: When I was before the
“Lords of the Council, they laid to my Charge my unwillingness to serve
“the King; I said, I had my Life and my Estate to serve my Countrey, and
“my Religion: They put upon me, if I did not pay, I should be put upon
“an employment of Service; I was willing; after ten weeks waiting they
“told me I was to go with a Lord into the Palatinate, and that I should have
“employment there, and means befitting; I told them I was a Subject, and
“desired means; some put on very eagerly, some dealt nobly; they said I
“must go on my own purse, I told them *Nemo militat suis expensis*; some
“told me I must go, I began to think, What, must I? none were ever sent
“out in that kinde; Lawyers told me I could not be so sent: having that
“assurance I demanded means, and was resolved not to stir upon those
“terms, and in silence and duty I denied: upon this they having given me
“a Command to go, after some twelve days they told me they would not
“send me as a Soldier, but to attend on an Ambassador; I knew that stone
“would hit me, I settled my troubled estate, and addressed my self to that
“Service.

C

D

E

Mr. Hackwel

“This is a great Point that much concerns the Commonwealth, if the
“the King cannot command a Subject to his necessary service; and on
“the other side, it will be little less then an honorable banishment to the
“Subject, if he may. Our Books say the King cannot compel any to go out
“of the Realm, and an action brought against him, he cannot plead in Bar,
“that he is by command from the King in forein service, but the King
“may give him his protection. 5 E. 3. N. 9. in the Parliament Roll there
“was an Ordinance whereby the King had power to send some to *Ireland*, it
“is ordained, that such Sages of the Law and Soldiers, where need shall be,
“though they refuse to go and excuse themselves, if their excuses be not
“reasonable, the King may do to them according to right and reason: If
“the

F

“ the King by Law could do this of himself, and send them to *Ireland*, his
“ own Dominion, he would never have taken power from his Parliament;
“ and if men do not according to that Law, there is no imprisonment pre-
“ scribed.

4. *Caroli.*

A “ **N**O restraint, be it never so little, but is Imprisonment, and forain im-
“ ployment is a kind of honorable Banishment: I my self was designed
“ to go to *Ireland*, I was willing to go, and hoped if I had gone, to have
“ found some *Mompessons* there: There is a difference when the Party is the
“ Kings servant, and when not. 46 *E.* 3. this was the time when the Law was
“ in its height: Sir *Richard Pembridge* was a Baron, and the Kings Servant,
“ and Warden of the Cinque-ports, he was commanded to go to *Ireland*,
“ and to serve as Deputy there, which he refused: He was not committed,
“ but the King was highly offended, and having Offices, and Fees and Lands
“ *pro servitio suo impenso*, the King seized his Lands and Offices: I went to
B “ the Parliament Roll, 47. *E.* 3. where I found another precedent for forain
“ imployment; they that have Offices *pro consilio*, or *servitio impenso*, if
“ they refuse, those Lands and Offices so given are seized, but no com-
“ mitment.

Sir E. Cook.

C “ **I**F any man owes a man a displeasure, and shall procure him to be put into
“ forain imployment, it will be a matter of high concernment to the
“ Subject: We know the Honor and Justice of the King, but we know
“ not what his ministers or the mediation of Ambassadors may do to work
“ their own wrath upon any man.

Sir Thomas
Wentworth

D “ **I**F you grant this Liberty, what are you the better by other priviledges?
“ What difference is there between imprisonment at home, and constrain-
“ ed imployment abroad? it is no less then a temporal Banishment, neither
“ is it for his Majesties service to constrain his Subjects to imployment a-
“ broad: Honor and Reward invites them rather to seek it, but to be com-
“ pelled, stands not with our Liberty.

Sir John El-
liot.

E These Debates, as to Confinement, produced this resolution, That no
Freeman ought to be confined by any command from the King, or Privy
Council, or any other, unless it be by Act of Parliament, or by other
due course or warrant of Law.

As for the matter of supply, the Debate was put off till *Friday* following.

Thursday 3. of April,

E Mr. Secretary Cook brought the House this Mes-
sage from the King.

F “ **H**IS Majesty having understood that some rumors were spread abroad of
“ a sharp Message yesterday delivered by me, and of some malicious
“ words, that the Duke should speak yesterday at the Council-board, he
“ commanded me to tell you of the malice of those fals reports, for that
“ nothing fell from the Duke or that Board, but what was for the good of
“ this Assembly: He would have you observe the malice of those spirits
“ that thus put in these Jealousies: Had the Duke so spoken, he should
“ have contradicted himself, for all of us of the Council can tell, he was
“ the

The King
sends a Mes-
sage to the
House by Se-
Cook, touch-
ing some
words said
to be spoken
by the Duke.

An. 1628.

“ the first mover and perswader of this Assembly of Parliament to the King.
 “ Esteem of the King according to his actions, and not these tales ; His Ma-
 “ jesty takes notice of our purpose , that on *Friday* we will resolve upon
 “ Supply, which his Majesty graciously accepts of , and that our free gift
 “ without any condition should testify to the world , that we will be as far
 “ from incroaching upon his Prerogative , as he will be to incroach upon
 “ our Liberties : and this shall well appear, when we present our Grievances
 “ to him , and then we shall know that he hath no intention to violate our
 “ Liberties , onely let us not present them with any asperity of words ; he
 “ counts it his greatest Glory to be a King of Freemen , not of Villains :
 “ He thought to have delivered this Message himself , but that he feared it
 “ would take us too much time.

Then he added a word of his own, “ Yesterday after dinner we attended
 “ his Majesty , and he asked us what we had done : We said we had entred
 “ into the consideration of Supply, and that the final resolution was deferred
 “ till *Friday* ; and that this was done for just reasons , to joyn the business
 “ of his Majesties and our Countries together , and this would further his
 “ Majesty , and it would give content to the Countrey , and that this union
 “ here might be spread abroad in the World. His Majesty answered, For
 “ Gods sake , why should any hinder them in their Liberties ? if they did it
 “ not, I should think they dealt not faithfully with me. You may see a true
 “ Character of his Majesties disposition : let us proceed with courage , and
 “ rest assured his Majesty will give great ear unto us, and let us all joyn to
 “ make a perfect union to win the Kings heart ; we shall find a gracious
 “ answer from the King , and a hearty cooperation from those that you
 “ think to be averse to us.

Debates on
the Message.

UPon the delivery of this Message some stood up, and professed they
 never heard of any such sharp Message or words the day before,
 or that any was so bold as to interpose himself : They acknowledged his
 Majesty had put a threefold Obligation on them ; First, in giving them sa-
 tisfaction ; Secondly, in giving them assurance (which is a great Law) that
 he will protect and relieve them ; Thirdly, in giving them advice as may
 besit the Gravity of that Assembly and his own Honor : So they concluded
 to carry themselves as their Progenitors before had done , who never were
 marked for stepping too far on the Kings Prerogative , and they returned
 their humble thanks to his Majesty,

Friday 4 Ap-
ril Secretary
brings an-
other Mes-
sage from the
King.

THe day following Mr. Secretary *Cook* delivered another Message from
 the King, *viz.* “ His Majesty hath again commanded me to put you
 “ in mind , how the eyes and interest of the Christian world, are cast upon
 “ the good or evil success of this Assembly: He also graciously taketh no-
 “ tice of that which is in agitation amongst us , touching the freedom of our
 “ Persons , and propriety of our Goods ; and that this particular care
 “ (which he no way misliketh) may not retard our resolution for the general
 “ good , he willeth us chearfully to proceed in both , and to expresse our
 “ readiness to supply his great occasions , upon assurance that we shall enjoy
 “ our Rights and Liberties , with as much freedom and security in his time,
 “ as in any age heretofore under the best of our Kings ; and whether you
 “ shall think fit to secure our selves herein , by way of Bill or otherwise,
 “ so as it be provided for with due respect of his Honor and the publique
 “ good , whereof he doubteth not but that you will be careful , he promi-
 “ seth and assureth you that he will give way unto it ; and the more confi-
 “ dence

“ dence you shall shew in his grace and goodness, the more you shall prevail
“ to obtain your own desires.

4 Caroli.

Upon this occasion Mr. Pym spake,

A **T**hat in business of weight dispatch is better then discourse ; We came
not hither without all motives that can be towards his Majesty, had
“ he never sent in this message ; We know the danger of our Enemies, we
“ must give Expedition to Expedition ; let us forbear particulars. A man
“ in a journey is hindred by asking too many questions: I do believe our
“ peril is as great as may be, every man complains of it, that doth incourage
“ the Enemy ; our way is to take that that took away our estates, that is,
“ the Enemy ; to give speedily is that that the King calls for: A word
“ spoken in season is like an Apple of Silver ; and actions are more pre-
“ cious then words, let us hasten our Resolutions to supply his Majesty.
B And after some debate, they came to this unanimous Resolve,

Mr. Pym.

That five Subsidies be given his Majesty ; and Mr. Secretary Cook was
appointed to acquaint his Majesty with the Resolution of the House.

5. Subsidies
resolved on.

Monday the 7. of April,

C **M**r. Secretary Cook reported to the House the Kings acceptance of
the Subsidies, and how his Majesty was pleased to ask, by how many
“ voyces they were gained ? I said, but by one ; His Majesty asked, how
“ many were against him ? I said, none ; for they were voted by one voyce,
“ and one general consent. His Majesty was much affected therewith, and
“ called the Lords in Councel, and there I gave them account what had
“ passed ; besides, it gave his Majesty no small content, that although five
“ Subsidies be inferior to his wants, yet it is the greatest gift that ever was
“ given in Parliament ; and now he sees with this he shall have the affe-
D ctions of his People, which will be greater to him then all value. He said
“ he liked Parliaments at the first, but since (he knew not how) he was grown
“ to a distaste of them ; but was now where he was before, he loves them,
“ and shall rejoyce to meet with his People often.

Mr. Secretary
Cook reports
the Kings ac-
ceptance of
five Subsidies

E *Upon the giving of the five Subsidies the Duke of
Bucks made a Speech at the Councel Table, and
Mr. Secretary at that time acquainted the House
therewith. The Speech was this,*

F **S**ir, me thinks I behold you a great King, for love is greater then Majesty ;
“ Sopinion that the people loved you not, had almost lost you in the opini-
“ on of the world ; But this day makes you appear as you are, a glorious King,
“ loved at home, and now to be feared abroad ; this falling out so happily,
“ give me leave, I beseech you, to be an humble suitor to your Majesty ; 1. For
“ my self, That I, who have had the honour to be your Favorite, may now
“ give up that title unto them, they to be your Favorites, and I to be your
“ Servant. My second suit is, That they having done also well, you will ac-
“ count of them as one ; a body of many members, but of all one heart :
“ opinion might have made them differ, but affection did move them all

The Duke of
Buckingham's
Speech at the
Councel
Table there-
upon.

An. 1628.

“to joyn with like love in this great gift; for proportion, although it be
 “less then your occasions may ask, yet it is more then ever Subjects did
 “give in so short a time; nor am I perswaded it will rest there, for this is
 “but as an earnest of their affections, to let you see, and the world know
 “what Subjects you have, that when the honor and the good of the State is
 “ingaged, and Aid asked in the ordinary way of Parliament, you cannot
 “want: This is not the gift of five Subsidies alone, but the opening of a
 “Mine of Subsidies that lieth in their hearts. This good beginning hath
 “wrought already these effects, they have taken your heart, drawn from
 “you a Declaration that you will love Parliaments. And again, this will
 “meet (I make no question) with such respect, that their demands will be
 “just, dutiful, and moderate; for they that know thus to give, know well
 “what is fit to ask. Then cannot your Majesty do less then out-go their
 “demands, or else you do less then your self or them; for your Message
 “begot trust, their truth and your promises must then beget performances.
 “This being done, then shall I with a glad heart behold this work as well
 “ended as now begun, and then shall I hope that Parliaments shall be made
 “hereafter so frequent by the effects and good use of them, as they shall
 “have this further benefit, to deter from approaching your ears those pro-
 “jecters and inducers of innovation, as disturbers both of Church and Com-
 “monwealth. Now, Sir, to open my heart, and to ease my grief, please
 “you to pardon me a word more; I must confess I have long lived in pain;
 “Sleep hath given me no rest, Favors and Fortunes no content, such have
 “been my secret sorrows, to be thought the man of separation, and that
 “divided the King from his People, and them from him, but I hope it
 “shall appear they were some mistaken minds, that would have made me
 “the evil spirit that walketh between a good Master and loyal People by
 “ill offices; whereas, by your Majesties favor, I shall ever endeavour to
 “approve my self a good spirit, breathing nothing but the best of services
 “to them all. Therefore this day I account more blessed to me then my
 “birth, to see my self able to serve them, to see you brought in love with
 “Parliaments, to see a Parliament express such love to you; and God so
 “love me and mine, as I joy to see this day.

Mr. Secretary *Cook* also at this time repeated the substance of the
 Kings Answer to the Petition concerning Recuſants. And after he had
 done, Sir *John Elliot* expressed the great satisfaction which he apprehended,
 the House in general, and himself in special, had received touching each
 particular of his Majesties gracious Answer; but shewed his dislike that Mr.
 Secretary in the close of his Relation, made mention of another in addition
 to his Majesty, which formerly hath been a matter of complaint in the
 House, the mixture with his Majesty, not onely in the business, but in his
 name. “Is it (said he) that any man conceives the mention of others (of
 “what quality soever) can add incouragement or affection to us in our
 “duties and loyalties towards his Majesty, or give them greater latitude or
 “extent, then naturally they have? or is it supposed that the power or
 “interest of any man can add more readines to his Majesty in his gracious
 “inclination to us, then his own goodness gives him? I cannot believe it.
 “And as the sweetness and piety of his Majesty, which we have in admi-
 “ration, makes me confident in this, so the expressions of our duty so per-
 “spicuous and clear, as already hath been given, is my assurance for the
 “other.

But Sir, I am sorry there is this occasion, that these things should be
 “argued,

It is ill taken
 by Sir John
 Elliot that
 the Dukes
 name was
 intermingled
 with the
 Kings by Se-
 cretary
 Cook,

A “argued, or this mixture which was formerly condemned should appear
“again: I beseech you Sir, let it not be hereafter; let no man take this
“boldness within these Walls to introduce it, though I confess for my par-
“ticular I shall readily commend, nay, thank that man, whose endeavors
“are applied in such Offices, as may be advantageable for the publique:
“Yet in this matter so contrary to the Customs of our Fathers, and the
“honor of our Times, I cannot without Scandal apprehend it, nor without
“some Character or Exception pass it by, that such interposition may for
“the future be left.

“Now let us proceed, said he, to those services that concern his Majesty
“and the Subject, which (I doubt not) in the end will render us so real unto
“him, that we shall not need more help to endear us to his favor.

B The Commons having expressed their dutiful affections towards his Ma-
jesty, in giving him so large a Gift as five Subsidies, and having also shew-
ed their care of the Subjects in the liberty of their Person, and propriety in
their Goods, did now prepare to transmit their Resolves to the Lords for their
concurrence, and several Members were appointed to manage a Conference
with the Lords concerning the same. We shall briefly touch some Passages
of that Conference, as to the rational and historical Part thereof, omitting
to mention Precedents and Book-Cases, lest they should prove tedious to
the Reader.

C SIR Dudley Digges began with this Introduction: “I am commanded to shew
“unto your Lordships in general, that the Laws of *England* are ground-
“ed on Reason, more ancient then Books, consisting much in unwritten
“Customs, yet so full of Justice and true Equity, that your most honor-
“able Predecessors and Ancestors propugned them with a *Nolumus mutari*,
“and so ancient, that from the Saxon days, notwithstanding the injuries and
“ruines of time, they have continued in most part the same, as may ap-
“pear in old remaining Monuments of the Laws of *Ethelbert*, the first
D “Christian King of *Kent*, *Ina* the King of the West Saxons, *Offa* of the
“Mercians, and of *Alfred* the great Monarch, who united the Saxon
“Heptarchie, whose Laws are yet to be seen published, as some think, by
“Parliament, as he says to that end, *ut qui sub uno rege, sub una lege regeren-*
“*tur*: And though the Book of *Litchfield*, speaking of the times of the
“Danes, says, then *Fus sopitum erat in regno, leges & consuetudines sopite*
“*sunt*, and *prava voluntas, vis & violentia magis regnabant quam Judicia*
“*vel Justitia*, yet by the blessing of God a good King *Edward*, commonly
E “called *St. Edward*, did awaken those Laws; and as the old words are,
“*Excitatas reparavit, reparatas decoravit, decoratas confirmavit*, which
“*Confirmavit* shews, that good King *Edward* did not give those Laws
“which *William* the Conqueror and all his Successors since that time have
“sworn unto.

“And here my Lords, by many Cases frequent in our modern Laws
“strongly concurring with those of the ancient Saxon Kings, I might, if time
“were not more precious, demonstrate that our Laws and Customs were the
F “same.

“I will onely intreat your Lordships leave to tell you, That as we have
“now, even in those Saxon times they had their Court Barons, and Court
“Leets, and Sheriffs Courts, by which as *Tacitus* says of the Germanes,
“their Ancestors *Jura reddebant per pagos & vicos*; and I do believe as we
“have now, they had their Parliaments, where new Laws were made

Sir Dudley
Digges begins
the Confer-
ence by way
of Introdu-
ction.

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"*cum consensu Prælatorum, Magnatum & totius Communitatis*, or as another writes, *cum consilio Prælatorum, Nobilium & sapientium Laicorum*; I will add nothing out of *Glanville*, that wrote in the time of *Hen. 2.* or *Bracton*, that writ in the days of *Hen. 3.* onely give me leave to cite that of *Fortescue* the learned Chancellor to *Hen. 6.* who writing of this Kingdom, says, *Regnum istud moribus nationum & regum temporibus, eisdem quibus nunc regitur legitur & consuetudinibus regebatur.* But my good Lords, as the Poet said of Fame, I may say of our Common Law,

Ingrediturque solo, caput inter nubila condit.

"Wherefore the cloudy part being mine, I will make haste to open way for your Lordships, to hear more certain Arguments, and such as go on more sure grounds.

"Be pleased then to know, that it is an undoubted and fundamental Point of this so ancient Common Law of *England*, That the Subject hath a true property in his goods and possessions, which doth preserve as sacred, that *meum & tuum*, that is the nurse of Industry, and mother of Courage, and without which there can be no Justice, of which *meum & tuum* is the proper object. But the undoubted Birthright of true Subjects hath lately not a little been invaded and prejudiced by pressures, the more grievous, because they have been pursued by imprisonment, contrary to the franchises of this Land; and when according to the Laws and Statutes of this Realm, redress hath been sought for in a legal way, by demanding *Habeas Corpus* from the Judges, and a discharge by trial according to the Law of the Land, success hath failed: that now inforceth the Commons in this present Parliament assembled, to examine by Acts of Parliament, Precedents and Reasons, the truth of the English Subjects liberty, which I shall leave to learned Gentlemen to argue.

Mr. Littleton.

NExt after Sir *Dudly Diggs*, spake Mr. *Ed. Littleton* of the *Inner-Temple*, "That their Lordships have heard that the Commons have taken into consideration the matter of personal Liberty, and after long debate thereof, they have upon a full search, and clear understanding of all things pertinent to the question, unanimously declared, That no Freeman ought to be committed or restrained in Prison by the command of the King or Privy Council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by Law he ought to be committed, detained, or restrained: And they have sent me with other of their Members, to represent unto your Lordships the true grounds of their resolution, and have charged me particularly, leaving the reasons of Law and Precedents for others, to give your Lordships satisfaction, that this Liberty is established and confirmed by the whole State, the King, the Lords Spiritual and Temporal, and Commons, by several Acts of Parliament, the Authority whereof is so great, that it can receive no Answer, save by Interpretation or Repeal by future Statutes. And these I shall minde your Lordships of, are so direct in the point, that they can bear no other exposition at all, and sure I am they are still in force; The first of them is the grand Charter of the Liberties of *England*, first granted in the 17th. year of King *John*, and renewed in the 9th. year of *Hen. 3.* and since confirmed in Parliament above 30. times; the words there are Chap. 29. *Nullus liber homo capiatur, vel imprisonetur, aut dissiciatur de libero tenemento suo vel liberis consuetudinibus suis, aut utlagetur, aut exuletur,*

"*exuletur, aut aliquo modo destruat, nec super eum ibimus, nec eum mittimus, nisi per legale iudicium Parium suorum, vel per legem terræ.*"

He then proceeded to open, and argued learnedly upon the several Particulars in the last recited Clause of *Magna Charta*; and further shewed,

"That no invasion was made upon this personal Liberty, till the time of

"King *Ed. 3.* which was soon repented by the Subject, for in the *5. Ed. 3.*

"Chap. 9. it is enacted, That no man from henceforth shall be attached on

A "any occasion, nor fore-judged of Life or Limb, nor his Lands, Tene-

"ments, Goods, nor Chattels seized into the Kings hands, against the

"Form of the great Charter, and the Law of the Land: and *25 Edw. 3.*

"Chap. 4. it is more full, and doth expound the words of the grand Char-

"ter, which is thus; Whereas it is contained in the grand Charter of the

"Franchises of *England*, that none shall be Imprisoned nor put out of his

"Freehold, nor free Custom, unless it be by the Law of the Land, it is award-

"ed, assented and established, That from henceforth none shall be taken

B "by Petition or suggestion made to our Lord the King, or to his Council,

"unless it be by Indictment or Presentment of his good and lawful People

"of the the same neighborhood, which such Deed shall be done in due

"maner, or by process made by Writ original at the common Law; nor

"that none be oured of his Franchises, nor Office, Freehold, unless it be

"duly brought in Answer, and fore-judged of the same, by the course of

"the Law, and that if any thing be done against the same, it shall be re-

"dressed and holden for none: and *28 Ed. 3. Chap. 3.* it is more direct,

C "this Liberty being followed with fresh suit by the Subject, where the

"words are not many, but very full and significant, That no man of what

"state and condition he be, shall be put out of his Lands nor Tenements,

"nor taken, nor imprisoned, nor disinherited, nor put to death, without

"it be brought in Answer by due process of the Law. Several other Sta-

"tutes were cited by him, in confirmation of this point of the Liberty of the

Subject.

The Kings Council afterward made Objections to the said Argument,

D "yet acknowledged that the seven Statutes urged by the House of Com-

"mons, are in force; yet said that some of them are in general words, and

"therefore conclude nothing, but are to be expounded by Precedents, and

"some of them are applied to the suggestion of Subjects, and not to the

"Kings command simply of its self; and that *per legem terræ* in *Magna Char-*

"*ta*, cannot be understood for process of Law and original Writs; for that

"in Criminal proceedings no original Writ is usual at all, but every Con-

"stable either for Felony or breach of the Peace, or to prevent the breach

E "of the Peace, may commit without Process or original Writ; it were very

"hard the King should not have the power of a Constable. They also ar-

"gued, That the King was not bound to express the cause of Imprisonment,

"because there may be in it matter of State, not fit to be revealed for a time,

"lest the confederates thereupon make means to escape the hands of Ju-

"stice. Besides, that which the Commons do say, that the party ought to

"be delivered or bailed, is a contradiction in its self; for bayling doth signi-

"fie a kinde of Imprisonment still, Delivery, is a total freeing: And be-

F "sides, bayling is a grace or favor of a Court of Justice, and they may re-

"fuse to do it.

To this it was replied, "That the Statutes were direct in Point, and

"though some of them speak of suggestions of the Subjects, yet they are

"in equal reason a commitment by command of the King, as when the

"King taketh notice of a thing himself: And for the words *per legem terræ*,

"original

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"original Writs onely are not intended, but all other legal proceſs, which
 "comprehendeth the whole proceedings of the Law upon Cause other then
 "trial by Jury, and the course of the Law is rendred by due proceſs of the
 "Law, and no man ought to be imprisoned by special command without in-
 "dictment, or other due proceſs to be made by the Law. And whereas it
 "is said there might be danger in revealing the Cause, that may be avoided
 "by declaring a general Cause, as for Treason, suspicion of Treason, mis-
 "prison of Treason, Felony, without expreſſing the particulars which can
 "give no greater light to a confederate, then will be conceived upon the
 "very apprehension upon the imprisonment, if nothing at all were ex-
 "preſſed.

"And as for the bayling of the party committed, it hath ever been the
 "diſcretion of the Judges, to give ſo much reſpect to a commitment, by
 "the command of the King or the privy Council, which are ever intend-
 "ed to be done in juſt and weighty Caſes, that they will not preſently ſet
 "them free, but bail them to answer what ſhall be objected againſt them
 "on the Kings behalf; but if any other inferior Officer do commit a man
 "without ſhewing cauſe, they do inſtantly deliver him, as having no cauſe
 "to expect their leaſure; ſo that Delivery is applyed to the imprisoned, by
 "command of ſome mean miniſter of Juſtice: Bailing, when it is done by
 "command of the King or his Council; and though Bailing is a grace and
 "favor of the Court, in caſe of Felony and other crimes, for that there is an-
 "other way to diſcharge them in convenient time by their trial; but where
 "no cauſe of imprisonment is returned, but the command of the King, there
 "is no way to deliver ſuch perſons by trial or otherwiſe, but that of the
 "*Habeas Corpus*, and if they ſhould be then remanded, they might be per-
 "petually imprisoned without any remedy at all, and conſequently a man
 "that had committed no offence might be in a worſe caſe then a greater of-
 "fender, for the latter ſhould have an ordinary trial to diſcharge him, the
 "other ſhould never be delivered.

Mr. Selden.

MAfter *Selden* of the *Inner-Temple* argued next, firſt making this In-
 troductiō. "Your Lordſhips have heard from the Gentleman that
 "laſt ſpake, a great part of the grounds upon which the Houſe of Commons
 "upon mature deliberation proceeded, to that clear reſolution touching the
 "right of the liberty of their perſons: The many Acts of Parliament, which
 "are the written Laws of the Land, and are expreſſly in the Point, have
 "bin read and opened, and ſuch Objections as have been by ſome made unto
 "them, and Objections alſo made out of another Act of Parliament, have
 "been cleared and answered: It may ſeem now perhaps (my Lords) that lit-
 "tle remains needful to be further added, for the enforcement and main-
 "tenance of ſo fundamental and eſtabliſhed a Right and Liberty, belonging
 "to every freeman of the Kingdom.

"The Houſe of Commons taking into conſideration, that in this queſti-
 "on being of ſo high a nature, that never any exceeded it in any Court of
 "Juſtice whatſoever, all the ſeveral ways of juſt examination of the Truth
 "ſhould be uſed, have alſo moſt carefully informed themſelves of all for-
 "mer Judgements or Precedents concerning this great Point, either way;
 "and have been no leſs careful of the due preſervation of his Majeſties juſt
 "Prerogative, then of their own Rights. The Precedents here are of two
 "kinds, either meerly matter of Record, or elſe the former reſolutions of
 "the Judges, after ſolemn debate in the Point.

"This Point that concerns Precedents, the Houſe of Commons have
 "commanded

“commanded me to present to your Lordships, which I shall as briefly as I may, so I do it faithfully and perspicuously: to that end, my Lords, before I come to the particulars of any of those Precedents, I shall first remember to your Lordships that which will seem as a general key for the opening and true apprehension of all them of record, without which key no man, unless he be versed in the entries and course of the Kings Bench, can possibly understand.

A “In all cases, my Lords, where any Right or Liberty belongs to the Subjects by any positive Law, written or unwritten, if there were not also a remedy by Law for enjoying or regaining of this Right or Liberty, when it is violated or taken from him; the positive Law were most vain, and to no purpose; and it were to no purpose for any man to have any right in any Land or other Inheritance, if there were not a known remedy, that is, an Action or Writ, by which in some Court of ordinary Justice he might recover it. And in this case of Right of Liberty of Person, if there were not a remedy in the Law for regaining it when it is restrained, it were of no purpose to speak of Laws that ordain it should not be restrained.

B “The Writ of *Habeas Corpus*, or *Corpus cum causa*, is the highest remedy in Law for any man that is imprisoned, and the onely remedy for him that is imprisoned by the special command of the King, or the Lords of the privy Council, without shewing cause of the commitment; and if any man be so imprisoned by any such Command, or otherwise whatsoever through *England*, and desire by himself, or any other in his behalf, this Writ of *Hab. Corp.* for the purpose in the Court of Kings Bench, that C “Writ is to be granted to him, and ought not to be denied, and is directed to the Keeper of the Prison, in whose custody the Prisoner remains, commanding him that after a certain day he bring in the body of the Prisoner *cum causa detentionis*, and sometimes *cum causa captivonis*; and he with his return filed to the Writ, bringeth the Prisoner to the Bar at the time appointed, and the Court judgeth of the sufficiency or insufficiency of the return; and if they finde him baylable, *committitur Marescallo*, the proper Prison belongeth to the Court, and then afterward *traditur in ball*. D “But if upon the return of the *Habeas Corpus* it appear to the Court that the Prisoner ought not to be bayled, nor discharged from the Prison whence he is brought, then he is remanded and sent back again, to continue till by due course of Law he may be delivered; and the entry of this is, *remittitur quousque secundum legem deliberatus fuerit*, or *remittitur quousque, &c.* which is all one, and the highest award of Judgement that ever was or can be given upon a *Habeas Corpus*.

E “Your Lordships have heard the resolution of the House of Commons, touching the enlargement of a man committed by the command of the King, or the privy Council, or any other, without cause shewed of such commitment; which resolution, as it is grounded upon Acts of Parliament already shewen, (the reason of the Law of the Land being committed to the charge of another to open unto unto you) so it is strengthened by many Precedents of Records. He then produced twelve Precedents full and directly in the point, to prove that persons so committed ought to be delivered upon bayl, which were distinctly opened and read to their Lordships; then he also offered to their consideration other kind of Precedents, which were solemn resolutions of Judges, things not of Record, but yet remain in Authentick Copies, which Precedents and Authorities we omit for the length thereof.

He then proceeded, and said, “The House of Commons desiring with
“all

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“all care to inform themselves fully of the truth of the resolution of the
 “Judges in the 34. year of the Queen, cited in the case of Sir *John Heven-*
ingham, by the Kings Council, as Arguments against his not being bayled,
 “have got into their hands a Book of select Cases, collected by the reve-
 “rend and learned Judge, Chief Justice *Anderson*, all written with his own
 “hand, which he caused to be read, being the same which hath been already
 “mentioned in the Collections of this Parliament; which Precedents, saith
 “he, do fully resolve enough for the maintenance of the ancient and funda-
 “mental point of Liberty of the Person, to be regained by *Hab. Corp.*
 “when any is imprisoned.

A

Then he concluded, that having thus gone through the charge com-
 mitted to him by the House of Commons, he should now, as he had leave
 and direction given him, lest their Lordships should be put to much trouble
 and expence of time in finding and getting Copies at large of those things
 which he had cited, offer also to their Lordships Authentick Copies of
 them all, and so left them, and whatever else he had said, to their Lord-
 ships further consideration.

B

Sir Edward
Cook,

Last of all Sir *Edward Cook* took up the Argument, as to the rational
 part of the Law, and began with this Introduction, “Your Lordships
 “have heard 7. Acts of Parliament in point, and 31. Precedents summarily
 “collected, and with great understanding delivered, which I have perused,
 “and understand them all throughly; 12. of the Precedents are *in ter-*
minis terminantibus, a whole Jury of Precedents, and all in the point; I
 “am much transported with joy, because of the hope of good success in
 “this weighty business, your Lordships being so full of Justice, and the
 “very Theme and Subject doth promise success, which was *Corpus cum causa*,
 “the freedom of an *English* man, not to be imprisoned without cause shewn,
 “which is my part to shew, and the reason and the cause why it should be
 “so, wherein I will not be prolix nor copious, for to guild Gold were idle
 “and superfluous. And after he had cleared some doubts made of the
 Statute of *Westminster*, which saith, That the Sheriffs and others in some
 cases may not replevin men in Prison, he proceeded further, and said, “That
 “all those Arguments offered unto your Lordships in this last conference, are
 “of a double nature. 1. Acts of Parliament. 2. Judicial Precedents. For
 “the first, I hold it a proper Argument for your Lordships, because you my
 “Lords temporal, and you my Lords spiritual gave your assent unto those
 “Acts of Parliament, and therefore if these cannot perswade you, nothing
 “can. For the second, which are Judicial Precedents, it is *Argumentum*
ab autoritate, and *Argumentum ab autoritate valet affirmative*; that is, I
 “conceive, though it be no good Argument to say negatively the Judges
 “have given no opinion in the point. 3. It is good Law; which I fortifie
 “with a strong Axiome, *Neminem oportet sapientiores esse legibus*. Now these
 “two arguments being so well pressed to your Lordships by my Colleagues,
 “I think your Lordships may wonder what my part may be; it is short, but
 “sweet; it is the Reason of all those Laws and Precedents, and Reason
 “must needs be welcome to all men; for all men are not capable of the
 “understanding of the Law, but every man is capable of Reason; and those
 “Reasons I offer to your Lordships, in affirmance of the antient Laws and
 “Precedents made for the Liberty of the Subject against Imprisonment
 “without cause expressed.

C

D

E

F

" 1. *Are ipsa.*

" 2. *A minore ad majus.*

" 3. From the remedies provided.

" 4. From the extent and universality of the same.

" 5. From the infiniteness of the time.

" 6. *A Fine.*

A " The first general Reason is *are ipsa*, even from the nature of Imprisonment, *ex visceribus causæ*, for I will speak nothing but *ad idem*, be it close or other Imprisonment; and this Argument is three-fold, because an imprisoned man upon will and pleasure is

" 1. A Bond-man.

" 2. Worse then a Bond-man.

" 3. Not so much as a man, for *mortuus homo non est homo*, a Prisoner is a dead man.

B " 1. No man can be imprisoned upon will and pleasure of any but he that is a Bond-man and villain, for that Imprisonment and Bondage are *Propria quarto modo* to villains; now *Propria quarto modo*, and the *species* are convertible, Whosoever is a Bond-man may be imprisoned upon will and pleasure, and whosoever may be imprisoned upon will and pleasure is a Bond-man.

C " 2. If free men of *England* might be imprisoned at the will and pleasure of the King or his commandment, then were they in worse case then Bond-men or villains; for the Lord of a villain cannot command another to imprison his villain without cause, as of disobedience, or refusing to serve, as it is agreed in the year books. And here he said that no man should reprehend any thing that he said out of Books or Records; he said he would prove a free man imprisonable upon command or pleasure, without cause expressed, to be absolutely in worse case then a villain; and if he did not make this plain, he desired their Lordships not to believe him in any thing else, and then produced two Book Cases 7. *Edw. 3. fol. 50.* in the new print, 348. old print. " A Prior had commanded one to imprison his villain, the Judges were ready to bayl him, till the Prior gave his reason, that he refused to be Bayliff of his Manour, and that satisfied the Judges. " 2d. Case 33. *Edw. 3.* title *Tresp.* 253. in *Faux imprisonment*, it was of an Abbot, who commanded one to take and detain his villain, but demanded his cause, he gives it, because he refused, being thereunto required, to drive his Cattel.

" *Ergo* free men imprisoned without cause shewn, are in worse case then villains, that must have a cause shewn them why they are imprisoned.

E " 3. A Free man imprisoned without cause, is so far from being a Bond-man, that he is not so much as a man, but is indeed a dead man, and so no man; imprisonment is in Law a civil death; *perdit domum, familiam, vicinos, patriam*, and is to live amongst wretched and wicked men, Malefactors and the like. And that death and imprisonment was the same, he proved by an Argument *ab effectis*, because they both produce the like immediate effects; he quoted a Book for this: If a man be threatned to be killed, he may avoid feoffment of Lands, gifts of goods, &c. so it is if he be threatned to be imprisoned, the one is an actual, the other is a civil death. And this is the first general Argument drawn *are ipsa*, from the nature of imprisonment, to which *res ipsa consilium dedit*.

F The second general Reason he took also from his books, for he said he hath no Law but what by great pains and industry he learnt at his book, for at ten years of age he had no more Law then other men of like age; and

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this second reason is a *minore ad majus*, he takes it from *Bracton*, *Minima pœna corporalis, est major qualibet pecuniaria.*

“But the King himself cannot impose a fine upon any man, but it must be done judicially by his Judges, *per justitarios in Curia, non per regem in Camera*, and so it hath been resolved by all the Judges of England; he quoted 3. R. 2. fo. 11.

“The third general Reason is taken from the number and diversity of remedies which the Laws give against imprisonment, *Viz.*

“*Breve de homine replegiando.*

“*De odio & atia.*

“*De Habeas Corpus.*

“An appeal of Imprisonment.

“*Breve de manucaptione.*

“The latter two of these are antiquated, but the Writ *De odio & atia* is revived, for that was given by the Statute of *Magna Charta*, Cha. 26. and therefore though it were repealed by Statute of 42. E. 3. by which it is provided that all Statutes made against *Magna Charta* are void; now the Law would never have given so many remedies, if the free men of England might have been imprisoned at free will and pleasure.

“The fourth general Reason is from the extent and universality of the pretended power to imprison; for it should extend not onely to the Commons of this Realm and their Posterities, but to the Nobles of the Land and their progenies, to the Bishops and Clergy of the Realm, and their Successors. And he gave a cause why the Commons came to their Lordships, *Commune periculum communc requirit auxilium.* Nay, it reacheth to all persons of what condition, or sex, or age soever; to all Judges and Officers, whose attendance is necessary, &c. without exception, and therefore an imprisonment of such an extent, without reason, is against reason.

“The fifth general Reason is drawn from the indefiniteness of time, the pretended power being limited to no time, it may be perpetual during life, and this is very hard; to cast an old man into prison, nay, to close prison, and no time allotted for his coming forth, is a hard case, as any man would think that had been so used. And here he held it an unreasonable thing, that a man had a remedy for his Horse or Cattle if detained, and none for his body thus indefinitely imprisoned; for a Prison without any prefixed time, is a kinde of Hell.

“The sixth and last Argument is a *Fine*; and *sapiens incipit a Fine*, and he wisht he had begun there also; and this Argument he made three-fold:

Ab honesto. This being less honourable.

Ab utili. This being less profitable.

A tuto. This Imprisonment by will and pleasure being very dangerous for King and Kingdom.

“1. *Ab honesto.* It would be no honour to a King or Kingdom, to be a King of Bond-men or Slaves, the end of this would be both *Dedecus & Damnum*, both to King and Kingdom, that in former times hath been so renowned.

“*Ab utili.* It would be against the profit of the King and Kingdom, for the execution of those Laws before remembred, *Magna Charta*, 5. Ed. 3. 25. Ed. 3. 28. Ed. 3. whereby the King was inhibited to imprison upon pleasure; You see (quoth he) that this was *vetus querela*, an old question, and now brought in again, after seven Acts of Parliament; I say the execution of all these Laws are adjudged in Parliament to be for the common profit of the King and People; and he quoted the Roll, this pretended power

“ power being against the profit of the King , can be no part of his Prerogative.

“ He was pleased to call this a binding Reason, and to say that the wit of man could not answer it ; that great men kept this Roll from being Printed, but that it was equivalent in force to the printed Rolls.

A “ 3. A Reason *a tuto*. It is dangerous to the King for two respects ; first, of loss, secondly, of destroying of the endeavors of men: First, if he be committed without the expression of the cause, though he escape, albeit in truth it were for treason or felony, yet this escape is neither felony nor treason, but if the cause be expressed for suspicion of treason or felony, then the escape, though he be innocent, is treason or felony. He quoted a Cause in print like a reason of the Law, not like *Remittitur* at the rising of the Court, for the Prisoner *traditur in ballium quod breve Regis non fuit sufficiens causa*, The Kings Command. He quoted another famous Case, Commons in Parliament incensed against the Duke of *Suffolk* desire he should be committed: The Lords and all the Judges, whereof those great Worthies, *Prescot* and *Fortescue*, were two, delivered a flat opinion, that he ought not to be committed without an especial Cause. He questioned also the name and etymologie of the Writ in question, *Corpus cum causa* ; Ergo, the Cause must be brought before the Judge, else how can he take notice hereof?

C “ Lastly, he pressed a place in the Gospel, *Acts 25*. last verse, which *Festus* conceives is an absurd and unreasonable thing, to send a Prisoner to a Roman Emperor, and not to write along with him the Cause alledged against him ; send therefore no man a Prisoner without his causes along with him, *Hoc fac & viues*, and that was the first reason *a tuto*, that it was not safe for the King in regard of Loss, to commit men without a Cause.

D “ The second Reason is, That such commitments will destroy the endeavors of all men, Who will endeavor to imploy himself in any profession, either of War, Merchandise, or of any liberal knowledge, if he be but Tenant at will of his Liberty? for no Tenant at will will support or improve any thing, because he hath no certain estate ; Ergo, to make men Tenants at will of their Liberties, destroys all industry and endeavors whatsoever. And so much for these six principal Reasons :

A re ipsa.

A minore ad majus.

A remediis.

From the extent and universality.

From the infiniteness of the time.

A fine.

Loss of } Honor.
Profit.
Security.
Industry.

These were his Reasons.

F Here he made another Protestation, “ That if remedy had been given in this Case, they would not have medled therewith by no means ; but now that remedy being not obtained in the Kings Bench, without looking back upon any thing that hath been done or omitted, they desire some provision for the future onely. And here he took occasion to adde four Book Cases and Authorities, all in the Point, saying, That if the learned Council on the other side, could produce but one against the Liberties, so pat and pertinent, oh ! how they would hug and cull it. 16. H. 6. tit. *monstrance de faits* 82. by the whole Court, the King in his Presence cannot command a man to be arrested, but an action of false imprisonment lieth against him that arresteth ; if not the King in his royal Presence,

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" then none others can do it, *Non sic itur ad astra*. 1. Hen. 7. 4. *Hussey* reports the opinion of *Markham*, chief Justice to *Edw.* 4. that he could not imprison by word of mouth; and the reason, because the party hath no remedy; for the Law leaves every man a remedy of causeless imprisonment: he added that *Markham* was a worthy Judge, though he fell into adversities at last by the Lord *Rivers* his means. *Fortescue*, Chap. 8. *Proprio ore nullus Regum usus est*, to imprison any man, &c. 4. *Eliz.* Times blessed and renowned for Justice and Religion, in *Pl.* 235. the common Law hath so admeasured the Kings Prerogative, as he cannot prejudice any man in his inheritance, and the greatest inheritance a man hath, is the liberty of his Person, for all others are accessary to it; for thus he quoted the Orator: *Major hereditas venit unicuique nostrum a Jure & legibus quam a parentibus*.

" And these are the four Authorities he cited in this point: Now he pounded and answered two Objections; First, in point of State; Secondly, in the Course held by the House of Commons.

1. Obj.

" May not the Privy Council commit without cause shewed in no matter of State where secrecie is required? would not this be an hinderance to his Majesties service?

Answ.

" It can be no prejudice to the King by reason of matter of State, for the cause must be of a higher or lower nature; if it be for suspicion of Treason, misprision of Treason or Felony, it may be by general words couched; if it be for any other thing of smaller nature, as contempt and the like, the particular cause must be shewed, and no *individuum vagum*, or uncertain cause to be admitted.

2. Obj.

" Again, if the Law be so clear as you make it, why needs the Declaration and Remonstrance in Parliament?

Answ.

" The Subject hath in this Case sued for remedy in the Kings Bench by *Habeas Corpus*, and found none; therefore it is necessary to be cleared in Parliament. And here ends his Discourse: And then he made a recapitulation of all that had been offered unto their Lordships, That generally their Lordships had been advised by the most faithful Counsellors that can be; dead men these cannot be daunted by fear, nor muzzled by affection, reward or hope of preferment, and therefore their Lordships might safely believe them; particularly their Lordships had three several kinds of Proofs.

" 1. Acts of Parliament, judicial Precedents, good Reasons. First, you have had many ancient Acts of Parliament in the Point, besides *Magna Charta*, that is, seven Acts of Parliament, which indeed are thirty seven, *Magna Charta* being confirmed thirty times, for so often have the Kings of *England* given their royal Assents thereunto.

" 2. Judicial Precedents of grave and reverend Judges, in *terminis terminantibus*, that long since departed the world, and they were many in number. Precedents being twelve, and the Judges four of a Bench, made four times twelve, and that is forty eight Judges.

" 3. You have, as he tearmed them, *vividas rationes*, manifest and apparent Reasons: Towards the conclusion he declared to their Lordships, That they of the House of Commons have upon great study and serious Consideration, made a great manifestation unanimously, *Nullo contradicente*, concerning this great liberty of the Subject, and have vindicated and recovered the Body of this fundamental Liberty, both of their Lordships and themselves, from shadows which sometimes of the day are long sometimes short, and sometimes long again; and therefore we must not be guided by shadows: and they have transmitted to their Lordships, not

capita

A “*capitarerum*, Heads or Briefs, for these *compendia* are *dispendia*; but the
“Records at large, in *terminis terminantibus*: and so he concluded, that
“their Lordships are involved in the same danger, and therefore *ex congruo*
“& *condigno* they desired a Conference, to the end their Lordships might
“make the like Declaration as they had done; *Commune periculum com-*
“*mune requirit auxilium*; and thereupon take such further course, as may
“secure their Lordships and them, and all their Posterity, in enjoying of
“their ancient undoubted and fundamental Liberties.

The two next days were spent in the Debate about Billenting of Soldiers upon the Subject against Law.

B T^{Hursday} the 10. of April, Mr. Secretary Cook delivered this Message from the King, “That his Majesty desireth this House not to make any recesses these Easter Holidays, that the world may take notice how earnest his Majesty and we are for the publique affairs in Christendom, the which
“by such a recess would receive interruption.

His Majesties
Message for
non-recess.

T His Message for non-recess, was not well pleasing to the House.

The Message
not appro-
ved.

C S^{Ir Robert Phillips} first resented it, and took notice, “That in 12. and 18. “*Fac.* upon the like intimation, the House resolved it was in their power
“to adjourn, or sit: hereafter, said he, this may be put upon us by Princes of
“less Piety; let a Committee consider hereof, and of our right herein, and
“to make a Declaration. And accordingly this matter touching his Majesties pleasure about the recess was referred to a Committee, and to consider the power of the House to adjourn it self; to the end, that it being now yielded unto in obedience to his Majesty, it might not turn to prejudice in time to come.

Sir Ro. Phil-
lips.

D S^{Ir Edward Cook} spoke to the same purpose, and said, “I am as tender of
“the Priviledges of this House, as of my life, and they are the Heart-
“strings of the Commonwealth. The King makes a Prorogation, but this
“House adjourns it self. The Commission of Adjournment we never read,
“but say, This House adjourns it self. If the King write to an Abbot for a
“Corody, for a vallet, if it be *ex rogatu*, though the Abbot yield to it, it
“binds not: Therefore I desire that it be entred, that this is done *ex rogatu*
“*Regis*.

Sir E. Cook,

E Hereupon a Message was sent to the King, That the House would give all expedition to his Majesties Service, notwithstanding their purpose of recess. To which Message his Majesty returned this Answer, That the motion proceeded from himself, in regard of his engagement in the affairs of Christendom, wished them all alacrity in their proceedings, and that there be no recess at all.

F F^{riday} the 11. of April, Secretary Cook moved the expediting of Subsidies, and turning of the Votes into an Act: “We have many Petitions
“to the King, said he, and they are Petitions of Right, we have freely and
“bountifully given five Subsidies, but no time is appointed, and Subsidie
“without time, is no Subsidie: let us appoint a time.

Sec. Cook
to expedite
Subsidies.

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Sir Dudley Diggs.

SIR *Dudley Diggs* quickned his motion and spoke roundly: "We have
 " (said he) freely concluded our Liberties, we have offered five Subsi-
 " dies, his Majesty hath given us gracious Answers, we have had good by
 " our beginnings, what have we hitherto done for the King? nothing is
 " done that the King can take notice of; the world thinks that this Parlia-
 " ment hath not expressed that resolution that it did at the first, how much
 " doth it concern the King that the world be satisfied with his Honor? Our
 " success and honor is the Kings, Princes want not those that may ingrat-
 " ate themselves with them, by doing ill offices. There is a stop, and ne-
 " ver did a Parliament propound any thing but it hath been perfected sooner
 " then this is: may not the King say, What have I done? they grow cold,
 " have I not told them, I will proceed with as much grace as ever King
 " did? He will settle our proprieties and goods, have we not had a gracious
 " answer? are we hand in hand for his supply, shall it be said that this day it
 " was moved, but denied? it may put our whole business back, wherein
 " can this disadvantage us? this binds us not, I dare say confidently we
 " shall have as much as ever any Subjects had from their King.

A

B

Sir Thomas Wentworth.

SIR *Thomas Wentworth* proposed a middle way, viz. "That when we set
 " down the time, we be sure the Subjects Liberties go hand in hand to-
 " gether; then to resolve of the time, but not report it to the House, till
 " we have a Ground and a Bill for our Liberties: this is the way to come off
 " fairly, and prevent jealousies.

C

Hereupon the Committee of the whole House resolved, That Grievances
 and Supply go hand in hand.

Saturday 12. of April,

Mr. Secret.
 Cook deli-
 vereth ano-
 ther Mes-
 sage concer-
 ning Supply.

MR. Secretary *Cook* delivered another Message from the King (viz.)
 " His Majesty having given timely notice to this House, as well of
 " the pressure of the time, as of the necessity of Supply, hath long since ex-
 " pected some fruit of that which was so happily begun; but finding a stop
 " beyond all expectation, after so good beginning, he hath commanded me
 " to tell you, that without any further or unnecessary delay he would have
 " you to proceed in this business; for however he hath been willing and
 " consenting his affairs and ours should concur and proceed together, yet his
 " meaning was not that the one should give interruption to the other, nor
 " the time to be spun out upon any pretence, upon which the common
 " cause of Christendom doth so much depend: he bids us therefore take
 " heed that we force not him to make an displeasing end of that which was
 " so well begun.

D

E

"I will discharge my duty, I shall humbly desire this honorable House
 " not to undervalue or overstrain this Message; if we conceive any thing
 " in it to tend as if his Majesty threatned to dissolve this Parliament, we are
 " deceived; his Majesty intends the contrary, and to put us in such a way
 " that our business may have speedy success. His Majesty takes notice of a
 " peremptory order whereby he conceived that his business was excluded,
 " at least for a time, that which doth most press his Majesty is time, believe
 " that the affairs now in hand press his Majesties heart more then us, let us
 " remove delays that are more then necessary, let us awaken our selves,
 " he intends a speedy dispatch. I must with some grief tell you, that
 " notice

F

4. Caroli.

"notice is taken, as if this House pressed not upon the abuses of Power
"onely, but upon Power it self; this toucheth the King and us, who are
"supported by that Power: Let the King hear of any abuses of Power, he
"will willingly hear us, and let us not bend our selves against the extention
"of his Royal Power, but contain our selves within those bounds, that we
"meddle onely with pressures and abuses of Power, and we shall have the
"best satisfaction that ever King gave. I beseech you all concur this way,
"and use that moderation we have had the honor yet to gain.

A Being moved to explain what he meant by the word (Power) which (he said) we did oppose, he answered,

"I cannot descend to particulars, or go from that his Majesty gave me
"warrant or power to deliver.

This Message was very displeasing to the House, and many debates succeeded thereupon. And

B "Sir Robert Phillips said, he hoped their moderation would have given a
"right understanding to his Majesty of their loyalty.

Sir Rob.
Phillips,

C "Others proposed to finde out a way by Gods providence to make this
"Message happy to King and People, it concerning the Kings honour
"abroad, and our safety at home, that this Parliament be happy, Let us pre-
"vent (say they) these mischiefs, which by frequent messages thus obstruct
"us; let those Gentlemen neer the Chair see that we have endeavored
"to apply our selves to his Majesties service, notwithstanding this Message.
"In 12. Jac. a message of this nature produced no good; nothing so en-
"dangerous us with his Majesty, as that opinion that we are Antimonarchi-
"cally affected, whereas such is and ever hath been our loyalty, if we
"were to choose a Government, we would choose this Monarchy of England
"above all Governments in the world.

D A Bout two days after Mr. Secretary Cook again did quicken the business
"of supply, alledging "that all negotiations of Ambassadors are at a stop
"while the House sits, and that this stop is as a frost upon the earth, that
"hinders the sweet vapors between his Majesty and his Subjects, and that
"as matters stand, the Soldiers can neither be disbanded nor put in service.

Secr. Cook,

"This motion comes unexpectedly, but it is fit to receive some satisfac-
"tion, the proceeding now with our Grievances shall open the stop
"that hinders his Majesties affairs.

Mr. Wandef-
ford.

E Sir Humphrey May added, "That sweetness, trust and confidence are the
"onely weapons for us to deal with our King; and that coldness, inforce-
"ment and constraint will never work our ends: If we compass all we de-
"fire, and have not his Majesties heart, what will a Law or any thing else
"do us good?"

Sir Humphry
May.

F Hereupon it was ordered "That a special Committee of eight persons
"shall presently withdraw themselves, and consult together upon some
"heads, and upon the substance of a fair representation to his Majesty, which
"the Speaker shall deliver in his Speech to his Majesty on Monday next, (if
"the King please to give access) and at the same time to deliver the Petition
"against billeting of Soldiers.

M. Speakers

An. 1628.

Master Speakers Speech to the King on Easter Monday.

Most gracious and dread Sovereign,

Mr. Speakers
Speech to
the King at
the delivery
of the Pe-
tition for
billeting of
Soldiers.

“YOUR dutiful and loyal Commons here assembled, were lately humble
“suitsors to your Majesty for access to your Royal presence; the occasion
“that moved their desires herein was a particular of importance, worthy your
“Princely consideration, which, as it well deserves, should have been the
“onely subject of my Speech at this time.

“But since your gracious answer for this access obtained by a message
“from your Majesty, they have had some cause to doubt that your Majesty
“is not so well satisfied with the manner of their proceedings, as their hearty
“desire is you should be, especially in that part which concerns your Maje-
“sties present supply, as if in the prosecution thereof they had of late used
“some slackness or delay.

“And because no unhappiness of theirs can parallel with that which may
“proceed from a misunderstanding in your Majesty of their clear and loyal
“intentions, they have commanded me to attend your Majesty with an
“humble and summary Declaration of their proceedings since this short
“time of their sitting, which they hope will give your Majesty abun-
“dant satisfaction, that never People did more truly desire to be indeared
“in the favour and gracious opinion of their Sovereign; and withal to
“let you see, that as you can have no where more faithful counsel, so your
“great designs and occasions can no way be so speedily or heartily sup-
“ported, as in this old and antient way of Parliament.

“For this purpose they humbly beseech your Majesty to take into your
“Royal consideration, that although by antient right of Parliament the
“matters there debated are to be disposed in their true method and order, and
“that their constant custome hath been to take into their considerations
“the common grievances of the Kingdom, before they enter upon the
“matter of supply; yet to make a full expression of that zeal and affe-
“ction which they bear to your Royal Majesty, equalling at least, if not
“exceeding the best affections of their predecessors, to the best of your pro-
“genitors; they have in this Assembly, contrary to the ordinary proceedings
“of Parliament, given your Majesties Supply precedence before the common
“grievance of the Subject, how pressing soever, joyning with it onely
“those fundamental and vital liberties of the Kingdom, which give sub-
“sistence and ability to your Subjects.

“This was their original order and resolution, and was grounded upon
“a true discerning that these two considerations could not be severed, but
“did both of them intirely concern your Majesties service, consisting no less
“in enabling and encouraging the Subject, then in proportioning a Present
“suiting to your Majesties occasions and their abilities; nay, so far have
“they been from using any unnecessary delays, as though of the two
“that of Supply were the latter proposition amongst them, the Grand
“Committee to which both were referred hath made that of your Maje-
“sties supply first ready for conclusion.

And

“ And to be sure your Majesties supply might receive no interruption
“ by the other, differing from usage and custome (in cases of this nature)
“ sent up of those that concern the Subjects by parcels, some to your
“ Majesty, and some to the Lords, to the end your Majesty might re-
“ ceive such speedy content, as suited with the largest and best extent of
“ their first order.

A “ Sir, You are the breath of our nostrils, and the light of our eyes,
“ and besides those many comforts, which under you and your Royal
“ progenitors, in this frame of Government, this Nation hath enjoyed,
“ the Religion we profess hath taught us whose Image you are; and we
“ do all most humbly beseech your Majesty to believe, that nothing is or
“ can be more dear unto us then the sacred Rights and Prerogatives of
“ your Crown; no person or Council can be greater lovers of you, nor
“ be more truly careful to maintain them, and the preserving of those
“ fundamental Liberties which concern the freedom of our persons, and
B “ propriety of goods and estates, is an essential means to establish the true
“ glory of a Monarchy.

“ For rich and free Subjects as they are best governed, so they are most
“ able to do your Majesty service, either in peace or war, which next under
“ God hath been the cause of the happy and famous victories of this
“ Nation, beyond other Kingdoms of larger Territories and greater number
“ of People.

C “ What information soever contrary to this shall be brought unto your
“ Majesty, can come from no other then such as for their own ends under
“ colour of advancing the Prerogative, do indeed undermine and weaken
“ Royal Power by impoverishing the Subjects, render this Mo-
“ narchy less glorious, and the People less able to serve your Ma-
“ jesty.

D “ Having (by this that hath been said) cleared our hearts and proceed-
“ ings to your Majesty, our trust is, that in your Royal Judgement we
“ shall be free from the least opinion of giving any necessary stop to our
“ proceedings in the matter of your supply, and that your Majesty will
“ be pleased to entertain belief of our alacrity and chearfulness in your service,
“ and that hereafter no such misfortune shall befall us to be misunderstood by
“ your Majesty in any thing.

“ We all most humbly beseech your Majesty to receive no informa-
“ tion in this or any other business from private relations, but to weigh and
“ judge of our proceedings by those resolutions of the House that shall be
“ represented from our selves.

E “ This rightly and graciously understood, we are confident from the
“ knowledge of your goodness and our own hearts, that the ending of
“ this Parliament shall be much more happy then the beginning, and be
“ to all ages styled the *blessed Parliament*, for making perfect union be-
“ tween the best King and the best People, that your Majesty may ever
“ delight in calling us together, and we in the comforts of your gracious
“ favour towards us.

F “ In this hope I return to my first errand, which will best appear by
“ that which I shall humbly desire you to hear, and being an humble
“ Petition for the House of Commons for redressing of those many in-
“ conveniences and distractions that have befallen your Subjects by the
“ billeting of Soldiers in private mens houses against their wills.

“ Your Royal progenitors have ever held your Subjects hearts the best
“ Garison of this Kingdom, and our humble suit to your Majesty is,
“ that

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" that our faith and loyalty may have such place in your Royal thoughts,
 " as to rest assured that all your Subjects will be ready to lay down their
 " lives for the defence of your sacred person and this Kingdom.

" Not going our selves into our Countries this Easter, we should think it
 " a great happiness to us, as we know it would be a singular comfort and
 " encouragement to them that sent us hither, if we might but send them
 " the news of a gracious answer from your Majesty in this particular, which
 " the reasons of the Petition we hope will move your most excellent Majesty
 " graciously to vouchsafe us.

A

The Petition concerning the billeting of Soldiers presented to the Kings most excellent Majesty.

The Petition
 concerning
 billeting of
 Soldiers.

I All humbly complaining, sheweth unto your most excellent
 Majesty your loyal and dutiful Commons now in Parlia-
 ment assembled, That whereas by the fundamental Laws of this
 Realm every freeman hath, and of right ought to have, a full and
 absolute propriety in his Goods and Estate, and that therefore the
 billeting and placing the Soldiers in the house of any such freeman
 against his will, is directly contrary to the said Laws under which we
 and our Ancestors have been so long and happily governed; yet in
 apparent violation of the said antient and undoubted right of all
 your Majesties Loyal Subjects of this your Kingdom in general,
 and to the grievous and insupportable vexation and detriment of
 many Counties and persons in particular, a new and almost un-
 heard of way hath been invented and put in practice, to lay Soldiers
 upon them, scattered in Companies here and there, even in the
 heart and bowels of this Kingdom, and to compel many of your
 Majesties Subjects to receive and lodge them in their own houses,
 and both themselves and others to contribute toward the mainte-
 nance of them, to the exceeding great disservice of your Majesty,
 the general terror of all, and utter undoing of many of your People,
 insomuch as we cannot sufficiently recount, nor in any way propor-
 tionable to the lively sense that we have of our Miseries herein,
 are we able to represent unto your Majesty the innumerable mis-
 chiefs and most grievous vexations, that by this means alone we
 do now suffer, whereof we will not presume to trouble your sacred
 ears with particular instances, onely most gracious Sovereign we
 beg leave to offer to your gracious view a compassionate consideration
 of a few of them in particular.

B

C

D

1. The service of Almighty God is hereby greatly hindred, the
 People in many places not daring to repair to the Church, lest
 in the mean time the Soldiers should ridle their houses.

E

2. The antient and good government of the Countrey is hereby
 neglected, and almost contemned.

3. Your Officers of Justice in performance of their duties have
 been resisted and endangered.

F

4. The Rents and Revenues of your Gentry greatly and generally
 diminished; farmers to secure themselves from the Soldiers inso-
 lence, being by the Clamor of Solicitation of their fearful and
 injured Wives and Children, enforced to give up their wonted
 dwellings, and to retire themselves into places of more secure ha-
 bitation.

5. DUS:

5. Husbandmen, that are as it were the hands of the Countrey, corrupted by ill example of the Soldiers, and encouraged to idle life, give over work, and rather seek to live idly at another mans charges, then by their own labors.

6. Tradesmen and Artificers almost discouraged, and being enforced to leave thier Trades, and to imploy their time in preserving themselves and their families from cruelty.

7. Markets infrequented, and our ways grown so dangerous, that the People dare not pass to and fro upon their usual occasions.

8. frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, Barbarous Cruelties, and other most abominable vices and outrages are generally complained of from all parts where these Companies have been and had their abode, few of which insolencies have been so much as questioned, and fewer according to their demerit punished.

These and many other lamentable effects (most dread and dear Sovereign) have by this billeting of Soldiers already fallen upon us your loyal Subjects, tending no less to the disservice of your Majesty, then to their impoverishing and destruction, so that thereby they are exceedingly disabled to yield your Majesty those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger, one in regard of your Subjects at home, the other of enemies from abroad, in both which respects it seems to threaten no small Calamity to the meaner sort of your People, being exceeding poor, whereof in many places are great Multitudes, and therefore in times of more settled and most constant administration of Justice, not easily ruled, are most apt upon this occasion to cast off the reins of Government, and by joyning themselves with those disordered Soldiers are very like to fall into Mutiny and Rebellion; which in faithful discharge of our duties we cannot forbear most humbly to present to your high and excellent wisdom, being pressed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the land, or otherwise to disband those unruly Companies.

For the second, we do most humbly beseech your Majesty to take into your Princely consideration, that many of those Companies, besides their dissolute dispositions and carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if occasion serve they will rather adhere to a foreign Enemy of that Religion, then to your Majesty their liege Lord and Sovereign, especially some of their Captains and Commanders, being as Popishly affected as themselves, and having served in the Wars on the part of the King of Spain, and Arch-Dutchess against your Majesties Allies; which, of what pernicious consequence it may prove, and how prejudicial to the safety of your Kingdom, we leave to your Majesties high and Princely wisdom.

And now upon these, and many more which might be alledged, most weighty and important Reasons grounded on the maintenance of the Worship and Service of Almighty God, the continuance and advancement of your Majesties high honour and profit, the preservation of the antient and undoubted Liberties of your People, and therein of Justice, Industry, Valour, which meerly concerns the glory and happiness of your Majesty, and all your

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Subjects, and the preventing of calamity and ruine both of Church and Commonwealth :

We your Majesties most humble and loyal Subjects, the Knights, Citizens, and Burgeses of your House of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occasion most miserably disconsolate and afflicted, prostrate at the Throne of your Grace and Justice do most ardently beg a present remove of this insupportable burden, and that your Majesty would be graciously pleased to secure us from the like pressure in the time to come.

A

To

To the Speakers Speech and this Petition his Majesty made this reply,

A “**M**r. Speaker and Gentlemen , when I sent you my last Message, I did not expect a reply, for I intended it to hasten you, I told you at your first meeting this time was not to be spent in words , and I am sure it is less fit for disputes , which if I had a desire to entertain , Mr. Speakers preambles might have given me ground enough : The question is not now, what Liberty you have in disposing of matters handled in your House , but rather at this time what is fit to be done.

B “Wherefore I hope you will follow my example , in eschewing Disputations, and fall to your important business. You make a Protestation of your affection and zeal to my Prerogative, grounded upon such good and just Reasons, that I must believe you: But I look that you use me with the like charity, to believe what I have declared more then once since your meeting with us, that I am as forward as you for the preservation of your true Liberties. Let us not spend so much time in this that may hazard both my Prerogative and your Liberties to our enemies.

C “To be short, go on speedily with your businesses without any more Apologies , for time calls fast on you , which will neither stay for you nor me : Wherefore it is my duty to hasten, as knowing the necessity of it, and yours, to give credit to what I say, as to him that sits at the Helm.

“For what concerns your Petition, I shall make answer in a convenient time.

D **F**rom this time to the 25th. of the same Moneth , the House in a grand Committee spent most of their time in Debate about Martial Law , and part thereof in giving the Lords a meeting at two Conferences , concerning some Resolves, in order to a Petition of Right, transmitted by the Commons to their Lordships ; at which time Sir *Robert Heath* and Serjeant *Ashley* the Kings Council , were permitted to argue against the same ; and Serjeant *Ashley* in his discourse, said, The Propositions made by the Commons tended rather to an Anarchy then a Monarchy : 2. That if they be yielded unto, it is to put a Sword into the Kings hand with one hand , and to take it out with the other : 3. That they must allow the King to govern by Acts of State, otherwise he is a King without a Council , or a Council without a Power: 4. That the question is too high to be determined by Law , where the Conqueror or conquered will suffer irreparable loss. For which expressions the Lords called the Serjeant to an account, and committed him to custody, and afterwards he recanted what he said.

Martial Law debated.

Serj. Ashley questioned for some words.

Friday

An. 1628.

Friday 25. of April,

The Lords had a Conference with the Commons, where the Lord Archbishop of Canterbury spake as followeth.

Gentlemen of the House of Commons,

Archbishops
Speech at a
Conference
concerning
the Petition
of Right.

"THE Service of the King and safety of the Kingdom, do call on my Lords
"to give all speedy expedition, to dispatch some of these great and
"weighty Busineses before us. For the better effecting whereof, my
"Lords have thought fit to let you know, that they do in general agree
"with you, and doubt not but you will agree with us, to the best of your
"powers to maintain and support the fundamental Laws of the Kingdom,
"and the fundamental Liberties of the Subject: For the particulars which
"may hereafter fall into Debate, they have given me in charge to let you
"know, That what hath been presented by you unto their Lordships, they
"have laid nothing of it by, they are not out of love with any thing that
"you have tendred unto them; They have Voted nothing, neither are
"they in love with any thing proceeding from themselves: For that which
"we shall say and propose, is out of an intendment to invite you to a mu-
"tual and free Conference, that you with a confidence may come to us,
"and we with confidence may speak with you; so that we may come to a
"conclusion of those things which we both unanimously desire.

"We have resolved of nothing, designed or determined of nothing, but
"desire to take you with us, praying help from you, as you have done
"from us.

My Lords have thought of some Propositions; which they have ordered
"to be read here, and then left with you in Writing, That if it seem good
"to you, we may uniformly concur for the substance; and if you differ, that
"you would be pleased to put out, adde, alter, or diminish, as you shall
"think fit, that so we may come the better to the end, that we do both
"so desirously embrace.

Then the Propositions following were read by the Clerk of the upper House.

Propositions
tendred to
the Com-
mons by the
Lords, touch-
ing the Peti-
tion of Right

THAT his Majesty would be pleased graciously to Declare, That the good
old Law called *Magna Charta*, and the six Statutes conceived to be De-
clarations and Explanations of that Law, do still stand in force to all intents
and purposes.

2. That his Majesty would be pleased graciously to Declare, That accord-
ing to *Magna Charta*, and the Statutes afore named, as also according to the
most ancient Customs and Laws of this Land, every free Subject of this
Realm, hath a fundamental Propriety in his Goods, and a fundamental Li-
berty of his Person.

3. That his Majesty would be graciously pleased to Declare, That it is
his Royal pleasure to ratifie and confirm unto all and every his Loyal and
faithful

faithful Subjects, all their ancient, several, just Liberties, Priviledges and Rights, in as ample and beneficial maner to all intents and purposes, as their Ancestors did enjoy the same under the best of his most noble Progenitors.

4 Caroli.

A 4. That his Majesty would be further pleased graciously to Declare, for the good content of his loyal Subjects, and for the securing of them from future fear, That in all Cases within the Cognizances of the Common Law concerning the liberties of the Subject, his Majesty would proceed according to the Common Law of this Land, and according to the Laws established in the Kingdom, and in no other maner or wise.

B 5. As touching his Majesties Royal Prerogative, intrinsical to his Sovereignty, and betrusted him withal from God, *ad communem totius populi salutem, & non ad destructionem*, that his Majesty would resolve not to use or divert the same, to the prejudice of any his loyal People in the propriety of their Goods, or liberty of their Persons: And in case, for the security of his Majesties royal Person, the common safety of his People, or the peaceable Government of this Kingdom, his Majesty shall finde just cause for reason of State to imprison or restrain any mans Person, his Majesty would graciously Declare, That within a convenient time he shall, and will expresse the cause of the commitment or restraint, either General or Special; and upon a cause so expresse, will leave him immediately to be tryed according to the common Justice of the Kingdom.

C *After the reading of the Propositions, the Archbishop said,*

D THIS is but a Model to be added unto, altered, or diminished, as in your reasons and wisdoms ye shall think fit, after ye have communicated the same to the rest of the Members of the House.

To this Speech Sir Dudley Diggs, it being at a free Conference, made Reply;

E “MY Lords, it hath pleased God many ways to bleſs the Knights, Citizens, and Burgeſſes now aſſembled in Parliament, with great comfort and ſtrong hopes, that this will prove as happy a Parliament as ever was in *England*. And in their Conſultations for the ſervice of his Majesty, and the ſafety of this Kingdom, our ſpecial comforts and ſtrong hopes have riſen from the continued good reſpect, which your Lordſhips ſo nobly from time to time have been pleaſed to ſhew unto them, particularly at this preſent in your ſo honorable profeſſion to agree with them in general, and deſiring to maintain and ſupport the fundamental Laws and Liberties of *England*.

F “The Commons have commanded me in like ſort to aſſure your Lordſhips, they have been, are, and will be as ready to propugne the juſt Prerogative of his Majesty, of which in all their Arguments, ſearches of Records, and Reſolutions they have been moſt careful, according to that which formerly was, and now again is proteſted by them.

Sir Dudley Diggs replies to this Speech.

“ Another

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“ Another noble Argument of your honorable disposition towards them
 “ is expressed in this, That you are pleased to expect no present answer
 “ from them, who are (as your Lordships in your great wisdoms, they doubt
 “ not, have considered) a great Body that must advise upon all new Propo-
 “ sitions, and resolve upon them before they can give answer, according to
 “ the ancient Order of their House. But it is manifest in general (God be
 “ thanked for it) there is a great concurrence of affection to the same end in
 “ both Houses, and such good Harmony, that I intreat your Lordships leave
 “ to borrow a Comparison from Nature, or natural Philosophy : As two
 “ Lutes well strung and tuned brought together, if one be played on, little
 “ straws and sticks will stir upon the other, though it lye still: so though
 “ we have no power to reply, yet these things said and propounded cannot
 “ but work in our hearts, and we will faithfully report these Passages to our
 “ House, from whence in due time (we hope) your Lordships shall receive
 “ a contentful Answer.

A

The Commons were not satisfied with these Propositions, which were
 conceived to choak the Petition of Right, then under consideration, but de-
 murred upon them.

B

Monday

Monday 28 April.

The Lord Keeper spake to both Houses of Parliament by the Kings command, who was then present.

A

“MY Lords, and ye the Knights, Citizens and Burgeſſes of the Houſe of Commons, ye cannot but remember the great and important Affairs concerning the ſafety both of the State and Religion, declared at firſt from his Maſteſties own mouth, to be the cauſes of the Aſſembling of this Parliament; the ſenſe whereof, as it doth daily increaſe with his Maſteſty, ſo it ought to do, and his Maſteſty doubts not but it doth ſo with you, ſince the danger increaſeth every day, both by effluxion of time, and preparations of the Enemy.

B

The Lord Keepers Speech to both Houſes, concerning ſupply, by the Kings command.

C

“Yet his Maſteſty doth well weigh, that this expence of time hath been occaſioned by the Debate which hath ariſen in both Houſes touching the Liberty of the Subject; in which, as his Maſteſty takes in good part the purpoſe and intent of the Houſes, ſo clearly and frequently profeſſed, that they would not diminith or blemiſh his juſt Prerogative, ſo he preſumes that ye will all confeſs it a point of extraordinary Grace and Juſtice in him to ſuffer it to reſt ſo long in diſpute without interruption; but now his Maſteſty conſidering the length of time which it hath taken, and fearing nothing ſo much as any future loſs of that whereof every hour and minute is ſo pretious, and foreſeeing that the ordinary way of Debate, though never ſo carefully huſbanded, in regard of the Form of both Houſes, neceſſarily takes more time then the Affairs of Chriſtendom can permit, his Maſteſty out of his great Princely care hath thought of this expedient to ſhorten the buſineſs, by declaring the clearneſs of his own heart and intention: And therefore hath commanded me to let you know, That he

D

“holdeth the Statute of Magna Charta, and the other Six Statutes inſiſted upon for the Subjects Liberty, to be all in force, and aſſures you, that he will maintain all his Subjects in the juſt Freedom of their Perſons, and ſafety of their Eſtates: And that he will govern according to the Laws and Statutes of this Realm: And that ye ſhall finde as much ſecurity in his Maſteſties Royal Word and Promiſe, as in the ſtrength of any Law ye can make; ſo that hereafter ye ſhall never have cauſe to complain. The concluſion is, That his Maſteſty

E

“prayeth God, who hath hitherto bleſſed this Kingdom, and put into his heart to come to you this day, to make the ſucceſs thereof happy, both to King and People: And therefore he deſires that no doubt or diſtruſt may poſſeſs any man, but that ye will all proceed unanimouſly to the buſineſs.

F

The Commons being returned from the Lords Houſe, Mr. Secretary Cook perſwaded them to comply with the King.

His Maſteſty, ſaid he, puts us in minde of the great important Affairs of the State, and of his ſenſe thereof, that by effluxion of time increaſeth in him, and he doubts not but that it doth increaſe in us: Ye ſee his Maſteſties moderation in the interpretation of all our actions; he ſaith that he hopes we have the ſame ſenſe he hath, he is pleaſed to conſider of the occaſion of expence of time that grew from the Debates in both Houſes. We

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see how indulgent he is, that however the Affairs of Christendom are great, yet he omits not this, nay he takes in good part our Proceedings and our Declarations that we will not Impeach the Prerogative: Also his Majesty presumes that we will confess that he hath used extraordinary Grace, in that he hath indured dispute so long, he acknowledgeth it Justice to stand as we have done.

Further, out of a Princely care of the Publique, he is careful no more time be lost; and because he sees some extraordinary course to be taken to satisfie us, he observes that in the Form of Debate such length is required, as the nature of the business will not indure. It is to be presumed, that his Government will be according to the Law: We cannot but remember what his Father said, *He is no King but a Tyrant, that governs not by Law*; But this Kingdom is to be governed by the Common Law, and his Majesty assures us so much; the Interpretation is left to the Judges, and to his great Council, and all is to be regulated by the Common Law; I mean not *Magna Charta* onely, for that *Magna Charta* was part of the Common Law, and the ancient Law of this Kingdom; all our difference is in the Application of this Law, and how this Law with difference is derived into every Court. I conceive there are two Rules, the one of Brass, that is rigid and will not bend, and that is the Law of the Kings Bench, this Law will not bend; and when it lights on Subjects fitting, if it do not bend, it is unjust: And there comes in the Law of the Chancery and of Equity; this is Application of Law in private mens Causes, when it comes to *Meum & tuum*. And thus the general Government of Cases, with relation to the common State of the Kingdom, is from the Council Board, and there they are to vary from the Law of the Kingdom: Suppose it be in time of Dearth, Propriety of Goods may in that time be forced, and be brought to the Market: We saw the experience of it in Coals in *London*, and the Council Board caused them to be brought forth and sold. In a time of Pestilence men may be restrained: If a Schism be like to grow in a Church, the State will enquire after the favorers of it: if there be fear of Invasion, and it be encouraged by hope of a Party amongst us, it is in the power of Government to restrain men to their houses.

In the Composure of these things there is great difference: What differences have been between the Courts of Chancery and Kings Bench? It is hard to put true difference between the Kings Prerogative and our Liberties. His Majesty saw expence of time would be prejudicial; it pleased God to move his Majesty by a Divine hand to shew us a way to clear all our difficulties; let us attend to all the parts of it, there be Five Degrees, and there is more assurance then we could have by any Law whatsoever. His Majesty declares, That *Magna Charta* and the other Statutes are in force: This is not the first time that the Liberty of the Subject was infringed, or was in Debate and confirmed; all times thought it safe, that when they came to a Negative of Power, it was hard to keep Government and Liberty together; but his Majesty stopped not there, but according to the sense of these Laws, That he will govern his Subjects in their just Liberties, he assures us our Liberties are just, they are not of Grace, but of Right; nay he assures us he will govern us according to the Laws of the Realm, and that we shall finde as much security in his Majesties Promise, as in any Law we can make, and whatsoever Law we shall make, it must come to his Majesties allowance; and if his Majesty finde cause in his Government, he may not put life to it: We daily see all Laws are broken, and all Laws will be broke for the Publique good, and the King may pardon all Offenders;

his

his Majesty did see that the best way to settle all at unity, is to express his own heart: The Kings heart is the best guarder of his own promise, his promise is bound with his heart. What Prince can express more care and wisdom?

4 Caroli.

Lastly he saith, That hereafter ye shall never have the like cause to complain; May we not think the breach is made up? is not his Majesty engaged in his Royal word?

A The conclusion is full of weight: and he prays God, that as God hath blessed this Kingdom, and put it into his heart to come amongst us, so to make this day successful. *The wrath of a King is like the roaring of a Lyon,* and all Laws with his wrath are to no effect; but *the Kings favour is like to the dew of the grass*, there all will prosper; and God made the Instruments to unite all hearts.

B His Majesty having thus discharged himself, he prays us to proceed to the business that so much concerns him. As his Majesty hath now shewed himself the best of Kings, let us acknowledge his Majesties goodness, and return to that Union which we all desire.

But this motion was not received with general acceptation; and Sir Benjamin Rudyard replied to it in these words.

C “**W**E are now upon a great business, and the manner of handling it may be as great as the business it self. Liberty is a precious thing, for every man may set his own price upon it, and he that doth not value it, deserves to be valued accordingly; for mine own part, I am clear without scruple, that what we have resolved, is according to the Law; and if any Judge in *England* were of a contrary opinion, I am sure we should have heard of him ere now; out of all question, the very scope and drift of *Magna Charta* was to reduce the Regal to a Legal Power in matter of Imprisonment, or else it had not been worthy so much contending for.
“It is true, That the King ought to have a trust reposed in him, God forbid but he should, and I hope it is impossible to take it from him; for it lies not in the wit of man, to devise such a Law as shall comprehend all particulars, all accidents, but that extraordinary Causes may happen, which when they come, if they be disposed of for the common good, there will be no Law against them; yet must the Law be general, for otherwise Admissions and Exceptions will fret and eat out the Law to nothing. God himself hath constituted a general Law of Nature, to govern the ordinary course of things, he hath made no Law for Miracles; yet there is this observation of them, that they are rather *præter naturam*, than *contra naturam*, and always *propter bonas fines*: So the Kings Prerogatives are rather besides the Law, then against it; and when they are directly to their ends for the publique good, they are not onely concurring Laws, but even Laws in singularity and excellency.

Sir Ben. Rudyards Speech concerning that motion,

E “But to come nearer, let us consider where we are now, what steps we have gone, and gained; The Kings learned Council have acknowledged all the Laws to be still in force, the Judges have not allowed any Judgment against these Laws, the Lords also have confessed, that the Laws are in full strength; they have further retained our resolutions intire, and without prejudice.

F “All this hitherto is for our advantage; but above all his Majesty hath this day (himself being publicly present) declared by the mouth of the Lord Keeper, before both the Houses, That *Magna Charta* and the other

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“fix Statutes, are still in force; That he will maintain his Subjects in the Liberties of their Persons, and Proprieties of their Goods; That he will govern them according to the Laws of the Kingdom; this is a solemn and binding satisfaction, expressing his gracious readiness to comply with his people in their reasonable and just desires. The King is a good Man, and it is no diminution to a King, to be called so; for whosoever is a good Man shall be greater then a King, that is not so. The King certainly is very tender of his present Honor, and of his Fame hereafter: He will think it hard to have a worse mark set upon him, then upon any of his Ancestors, by extraordinary restraints: His Majesty hath already intimated unto us by a Message, That he doth willingly give way to have the abuse of Power reformed; by which I do verily believe he doth very well understand, what a miserable power it is, which hath produced so much weakness to Himself, and to the Kingdom; And it is one happiness, that he is so ready to redress it.

“For mine own part, I shall be very glad to see that old decrepitate Law *Magna Charta*, which hath been so long kept and lien bed-rid as it were. I shall be glad to see it walk abroad again with new vigor, and lustre, attended and followed with the other six Statutes: questionless it will be a great heartning to all the people. I doubt not, but upon a debating conference with the Lords, we may happily fall upon a fair, fit accommodation, concerning the Liberty of our Persons, and Propriety of our Goods. I hope we may have a Bill, to agree in the point, against imprisonment for Loans, or privy Seals: As for intrinsecal power and reason of State, they are matters in the Clouds, where I desire we may leave them, and not meddle with them at all, lest by the way of admittance, we may lose somewhat of that which is our own already: Yet this by the way I will say of reason of State, That in the latitude by which 'tis used, it hath eaten out almost, not onely the Laws, but all the Religion of Christendom.

“Now I will onely remember you of one Precept, and that of the wisest man, *Be not over wise, be not over just*: and he gives his reason, *for why wilt thou be desolate?*

“If Justice and Wisdom may be stretcht to desolation, let us thereby learn that Moderation is the Vertue of Vertues, and Wisdom of Wifdoms. Let it be our Master-piece so to carry the business, that we may keep Parliaments on foot: For as long as they be frequent, there will be no irregular Power, which though it cannot be broken at once, yet in short time it will be made and mouldred away; there can be no total or final loss of Liberties, as long as they last; What we cannot get at one time, we shall have at another.

Upon this debate it was ordered, That a Committee of Lawyers do draw a Bill, containing the substance of *Magna Charta*, and the other Statutes that do concern the Liberty of the Subject: which business took up two whole days.

Thursday, the first of May.

Mr. Secretary Cook brings a Message to relye on the Kings Word.

“**M** After Secretary *Cook* delivers a Message from his Majesty, *viz.* to know whether the House will rest on his *Royal Word*, or no, declared to them by the Lord Keeper; which if they do, he assures them it shall be Royally performed.

Upon

Upon this there was a silence for a good space: Then Mr. Secretary Cook proceeded. "This silence invites me to a further Speech, and further to address my self: Now we see we must grow towards an issue; for my part, how confident I have been of the good issue of this Parliament, I have certified in this place, and elsewhere, and I am still confident therein; I know his Majesty is resolved to do as much as ever King did for his Subjects. All this Debate hath grown out of the sense of our Sufferings, and

- A "a desire of making up again those Breaches that have been made.
- "Since this Parliament begun, hath there been any dispence made of that which hath formerly been done? when means were denied his Majesty being a yong King, and newly come to his Crown, which he found ingaged in a War, what could we expect in such *Necessities*? His Majesty called this Parliament to make up the Breach: His Majesty assures us we shall not have the like cause to complain: He assures the Laws shall be established; what can we desire more? all is, that we provide for Posterity, and
- B "that we do prevent the like suffering for the future: Were not the same means provided by them before us? can we do more? we are come to the Liberty of the Subjects, and the Prerogative of the King, I hope we shall not adde any thing to our selves, to depreess him. I will not divine, I think we shall finde difficulty with the King, or with the Lords, I shall not deliver my opinion as Counsellor to his Majesty, which I will not justifie and say here, or at the Councel Board. Will we in this necessity strive to bring our selves into a better Condition and greater Liberty,
- C "then our Fathers had, and the Crown into a worse then ever? I dare not advise his Majesty to admit of that: if this that we now desire be no Innovation, it is all contained in those Acts and Statutes, and whatsoever else we would adde more, is a diminution to the Kings Power, and an addition to our own. We deal with a wise and prudent Prince, that hath a Sword in his hand for our good, and this good is supported by Power. Do not think, that by Cases of Law and Debate we can make that not to be Law, which in experience we every day finde necessary:
- D "make what Law you will, if I do discharge the place I bear, I must commit men, and must not discover the Cause to any Jaylor or Judge; if I by this Power commit one without just Cause, the burthen falls heavy on me, by his Majesties displeasure, and he will remove me from my place: Government is a solid thing, and must be supported for our good.

Sir Robert Philips hereupon spake this:

- E "That if the words of Kings strike impressions in the hearts of Subjects, then do these words upon this occasion strike an impression into the hearts of us all: to speak in a plain language, we are now come to the end of our journey, and the well disposing of an Answer to this Message, will give happiness or misery to this Kingdom. Let us set the Commonwealth of England before the eyes of his Majesty, that we may justifie our selves that we have demeaned our selves dutifully to his Majesty.

And so the day following they had further Debate upon that matter, the House being turned into a Grand Committee, and Mr. Herbert in the Chair.

- F Some say, that the Subject has suffered more in the violation of ancient Liberties within these few years, then in Three hundred years before, and therefore care ought to be taken for the time to come.

Sir Edward Cook said, That that *Royal word* had reference to some Message formerly sent; his Majesties word was, That they may secure themselves

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any way, by Bill or otherwise, he promised to give way to it ; and to the end that this might not touch his Majesties Honor, it was proposed that the Bill come not from the House, but from the King : We will and grant for us and our Successors , and that we and our Successors will do thus and thus : and it is the Kings Honor, he cannot speak but by Record.

Others desired the House to consider when and where the late promise was made , was it not in the face of both Houses ? Cruel Kings have been careful to perform their promises, yea, though they have been unlawful, as *Herod*. Therefore if we rest upon his Majesties promise , we may assure our selves of the performance of it : Besides, we binde his Majesty by relying on his word : we have Laws enough , it is the execution of them that is our life, and it is the King that gives life and execution. A

Sir Thomas Wentworth

Sir Thomas Wentworth concluded the Debate, saying, “ That never House of Parliament trusted more in the goodness of their King , for their own private , then the present ; but we are ambitious that his Majesties goodness may remain to posterity , and we are accomptable to a publique trust : and therefore seeing there hath been a publique violation of the Laws by his Ministers , nothing will satisfie him but a publique mends ; and our desire to vindicate the Subjects Rights by Bill , are no more then are laid down in former Laws , with some modest Provision for Instruction, Performance and Execution. B

Which so well agreed with the Sense of the House , that they made it the subject of a Message to be delivered by the Speaker to his Majesty. C

The King gives notice to both Houses that he intends shortly to end this Session.

A Midst those deliberations another Message was delivered from his Majesty by Mr. Secretary *Cook* ; “ That howsoever we proceed in this business we have in hand , which his Majesty will not doubt but to be according to our constant professions, and so as he may have cause to give us thanks ; yet his resolution is, that both his Royal care, and hearty and tender affection towards all his loving Subjects, shall appear to the whole Kingdom and all the World , that he will govern us according to the Laws and Customs of this Realm ; that he will maintain us in the Liberties of our Persons , and Proprieties of our Goods , so as we may enjoy as much happiness as our forefathers in their best times ; and that he will rectifie what hath been or may be found amiss amongst us , so that hereafter there may be no just cause to complain. Wherein as his Majesty will rank himself amongst the best of our Kings, and shew he hath no intention to invade or impeach our lawful Liberties, or Right : so he will have us to match our selves with the best Subjects , not by incroaching upon that Sovereignty or Prerogative which God hath put into his hands for our good, but by containing our selves within the Bounds and Laws of our forefathers, without restraining them, or enlarging them by new Explanations , Interpretations, Expositions, or Additions in any sort , which he telleth us he will not give way unto. D

“ That the weight of the Affairs of the Kingdom , and Christendom, do press him more and more, and that the time is now grown to that point of maturity, that it cannot endure long debate, or delay ; so as this Session of Parliament must continue no longer then *Tuesday* come sevensnight, at the furthest : In which time his Majesty for his part will be ready to perform what he promised ; and if the House be not as ready to do that is fit for themselves, it shall be their own fautes. E

“ And upon assurance of our good dispatch and correspondence his Majesty

“ fty

“sty declareth, That his Royal intention is to have another Session of Parliament at *Michaelmas* next, for the perfecting of such things as cannot now be done.

This Message was debated the next day, being Saturday *May 30*. whereupon Sir *John Elliot* spake to this effect.

A The King, saith he, will rank himself with the best of Kings, and therefore he would have us to rank our selves with the best Subjects; we will not inroach upon that Sovereignty that God hath put into his hands: This makes me fear his Majesty is misinformed in what we go about, let us make some enlargement, and put it before him, that we will not make any thing new; as for the time of this Session, it is but short, and look how many Messages we have, so many interruptions, and mis-reports, and mis-representations to his Majesty produce those Messages.

B Sir *Miles Fleetwood* continues the Debate, and said, That this business is of great importance, we are to accommodate this: The breach of this Parliament will be the greatest misery that ever befell us; the eyes of Christendom are upon this Parliament, the state of all our Protestant friends are ready to be swallowed up by the Emperors Forces, and our own Kingdom is in a miserable straight, for the defence of our Religion that is invaded by the Romish Catholicks, by the colour of a Commission, which is intolerable; the defence of our Realm by Shipping is decayed, the Kings Revenue is fold and gone, where shall the relief be obtained but in Parliament? Now we are in the way, let us proceed by way of Bill, in pursuance of the Kings Message, to establish the Fundamental Laws in Propriety of our Goods, and Liberty of our Persons: It was declared to us, that courses by Loan and Imprisonment were not lawful; let us touch them in our Bill, and that all Precedents and Judgements seeming to the contrary, be void, and that all Commitments against the Law be remedied, and that we be protected against the fear of Commitments.

C In conclusion, the Commons agree to an Answer to all the preceding Messages, and present it to the King by the mouth of their Speaker.

D *The Speakers Speech to the King in Answer to several Messages.*

Most Gracious and Dread Sovereign,

E **Y**our Loyal and Obedient Subjects, the Commons now Assembled in Parliament, by several Messages from your Majesty, and especially by that your Declaration delivered by the Lord Keeper before both Houses, have to their exceeding joy and comfort received many ample expressions of your Princely care and tender affections towards them, with a gracious promise and assurance, that your Majesty will govern according to the Laws of this Realm, and so maintain all your Subjects in the just Freedom of their Persons, and Safety of their Estates, that all their Rights and Liberties may be by them enjoyed with as much freedom and security in their time, as in any age heretofore by their Ancestors under the best of your Progenitors: For this so great a favor enlarged by a comfortable intimation of your Majesties confidence in the proceedings of this House, they do by me their Speaker make as full return of most humble thanks to your Majesty, with all dutiful acknowledgement of your Grace and Goodness herein extended unto them.

F “And whereas in one of those Messages delivered from your Majesty, “there

The Speakers Speech to the King, in answer to several Messages.

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“ there was an expression of your desire to know whether this House would
 “ rest upon your Royal Word and Promise, assuring them, that if they
 “ would, it should be royally and really performed: As they again present
 “ their humble thanks for the seconding and strengthening of your former
 “ Royal expressions, so in all humbleness they assure your Majesty, that
 “ their greatest confidence is, and ever must be in your Grace and Goodness,
 “ without which they well know, nothing that they can frame or desire,
 “ will be of safety or value to them: Therefore are all humble Suiters to
 “ your Majesty, That your Royal heart will graciously accept and believe
 “ the truth of theirs, which they humbly present as full of truth and con-
 “ fidence in your Royal Word and Promise, as ever House of Commons
 “ reposed in any of their best Kings.

“ True it is, they cannot but remember the publique Trust for which
 “ they are accomptable to present and future times; and their desires are,
 “ That your Majesties goodness might in Fruit and Memory be the Ble-
 “ ssing and Joy of Posterity.

“ They say also, That of late there hath been publique violation of the
 “ Laws, and the Subjects Liberties, by some of your Majesties Ministers,
 “ and thence conceive that no less then a publique remedy will raise the de-
 “ jected hearts of your loving Subjects to a chearful supply of your Majesty,
 “ or make them receive content in the proceedings of this House.

“ From those considerations, they most humbly beg your Majesties leave
 “ to lay hold of that gracious offer of yours, which gave them assurance,
 “ That if they thought fit to secure themselves in their Rights and Liber-
 “ ties, by way of Bill, or otherwise, so it might be provided with due re-
 “ spect to Gods Honor, and the publique Good, you would be graciously
 “ pleased to give way unto it. Far from their intentions it is any way to in-
 “ croach upon your Sovereignty, or Prerogative; nor have they the least
 “ thought of stretching or enlarging the former Laws in any sort by any
 “ new Interpretations, or Additions; the Bounds of their desires extend
 “ no further, then to some necessary Explanation of that which is truly
 “ comprehended within the just sense and meaning of those Laws, with some
 “ moderate provision for execution and performance, as in times past upon
 “ like occasion hath been used.

“ The way how to accomplish these their humble desires, is now in se-
 “ rious consideration with them; wherein they humbly assure your Maje-
 “ sty, they will neither lose time, nor seek any thing of your Majesty, but
 “ that they hope may be fit for Dutiful and Loyal Subjects to ask, and
 “ for a gracious and just King to grant.

*His Majesties Answer was delivered by the Lord
 Keeper.*

His Maje-
 sties answer
 to the Spra-
 kers Speech.

Mr. Speaker, and you Gentlemen of the House of Commons, His Ma-
 jesty hath commanded me to tell you, that he expected an Answer
 by your Actions, and not delay by Discourse: ye acknowledge his Trust
 and Confidence in your proceedings, but his Majesty sees not how you re-
 quire him by your confidence of his Word and Actions: For what need Ex-
 planations, if ye doubted not the performance of the true meaning: for
 Explanations will hazard an incroachment upon his Prerogative. And it
 may well be said, What need a new Law to confirm an old, if you re-
 pose

pose confidence in the Declaration his Majesty made by me to both Houses; and your selves acknowledge, that your greatest trust and confidence must be in his Majesties Grace and Goodness, without which nothing ye can frame will be of safety, or avail to you: Yet to shew cleerly the sincerity of his Majesties intentions, he is content that a Bill be drawn for a confirmation of *Magna Charta*, and the other fix Statutes insisted upon for the Subjects Liberties, if ye shall choose that as the best way, but so as it may be without Additions, Paraphrases, or Explanations.

A Thus if you please you may be secured from your needless fears, and this Parliament may have a happy wished for end: whereas by the contrary, if ye seek to tie your King by new, and indeed impossible bonds, you must be accomptable to God and the Countrey for the ill success of this meeting. His Majesty hath given his Royal Word, that ye shall have no cause to complain hereafter: less then which hath been enough to reconcile Great Princes, and therefore ought much more to prevail between a King and his Subjects.

B Lastly, I am commanded to tell you that his Majesties pleasure is, That without further Replies or Messages, or other unnecessary delays, ye do what ye mean to do speedily, remembering the last Message that Secretary Cook brought you in point of time: His Majesty always intending to perform his Promise to his power.

C N otwithstanding the intimation of his Majesties good pleasure for a Bill, Mr. Secretary Cook, *Tuesday May 6.* again pressed the House to relye upon the Kings Word, saying, "That he had rather follow others, then begin to enter into this business: loss of time hath been the greatest complaint, the matter fallen now into consideration, is what way to take, whether to relye on his Majesties Word, or on a Bill: If we will consider the advantage we have in taking his Majesties Word, it will be of the largest extent, and we shall choose that that hath most Assurance: An Act of Parliament is by the consent of the King and Parliament; but this Assurance by Word, is that he will govern us by the Laws; the King promisseth that, and also that they shall be so executed, that we shall enjoy as much freedom as ever: this contains many Laws, and a grant of all good Laws; nay, it contains a confirmation of those very Laws, Assurance, which binds the King further then the Law can; First, it binds his affection, which is the greatest bond between King and Subject, and that binds his Judgment also, nay, his Honor, and that not at home but abroad; the Royal Word of a King, is the Ground of all Treaty; nay, it binds his Conscience: this Confirmation between both Houses, is in nature of a Vow; for my part I think it is the greatest advantage to relye on his Majesties Word. He further added, this Debate was fitter to be done before the House, and not before the Committee, and that it was a new Course to go to a Committee of the whole House.

F Whereunto it was replied by Sir John Elliot, That the proceeding in a Committee, is more Honorable and advantageous to the King, and the House, for that way leads most to Truth; and it is a more open way, and where every man may adde his reason, and make answer upon the hearing of other mens Reasons and Arguments.

This being the general Sense, the House was turned into a Committee, to take into consideration what was delivered to the King by the Speaker, and what was delivered to them by the Lord Keeper, and all other Messages,

Mr. Secretary Cook brings another Message to relye on the Kings Words.

Sir John Elliot.

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pages, and the Committee was not to be bounded with any former order: the Key was brought up, and none were to go out without leave first asked.

Sir, E. Cook.

In the Debate of this business at the Committee, some were for letting the Bill rest: but Sir *Edward Cooks* reasons prevailed to the contrary, "Was it ever known (said he) that general words were a sufficient satisfaction to particular grievances? was ever a verbal Declaration of the King *verbum Regni*? when grievances be, the Parliament is to redress them: Did ever Parliament rely on Messages? they put up Petitions of their Grievances, and the King ever answered them: the Kings Answer is very gracious, but what is the Law of the Realm, that is the question. I put no diffidence in his Majesty, the King must speak by a Record, and in Particulars, and not in General: Did you ever know the Kings Message come into a Bill of Subsidies? all succeeding Kings will say, Ye must trust me as well as you did my Predecessors, and trust my Messages; but Messages of love never came into a Parliament. Let us put up a Petition of Right: Not that I distrust the King, but that we cannot take his trust, but in a Parliamentary way.

On *Thurs* day 8^o *Maii*, the Petition of Right was finished, and the Clause of Martial Law was added unto it, and it was delivered to the Lords at a Conference for their Concurrence; the which Conference was managed by Sir *Edward Cook*, and the same day, as to the matter of supply, ordered that the two first Subsidies should be paid 10^o of *July*, one more 12^o of *October*, another on 20^o of *Decemb*, and the last on 1^o of *March*.

At the Conference Sir *Edward Cook* thus expressed himself: "My Lords, it is evident what necessity there is, both in respect of yourselves and your Posterities, to have good success of this business: We have acquainted your Lordships with the Reasons and Arguments, and after we have had some conference, we have received from your Lordships Propositions; and it behoves me to give your Lordships some reasons, why you have not heard from us before now; for in the mean time as we were consulting of this weighty Business, we have received divers Messages from our great Sovereign the King, and they consisted of five Parts;

1. That his Majesty would maintain all his Subjects in their just freedom, both of their Persons and Estates;
2. That he will govern according to his Laws and Statutes;
3. That we should find much confidence in the Royal Word, I pray observe that;

4. That we shall enjoy all our Rights and Liberties, with as much freedom as ever any Subjects have done in former times;

5. That whether we shall think it fit, either by Bill or otherwise, to go on in this great Business, his Majesty would be pleased to give way to it.

These gracious Messages did so work upon our affections, that we have taken them into deep consideration. My Lords, when we had these Messages (I deal plainly, for so I am commanded by the House of Commons) we did consider what way we might go for our more secure way, nay yours; we did think it the safest way to go in a Parliamentary course, for we have a Maxim in the House of Commons, and written on the Walls of our House, That old ways are the safest and surest ways: And at last we did fall upon that, which we did think (if that your Lordships did

“did consent with us) it is the most ancient way of all, and that is, my
 “Lords, *via fausta*, both to Majesty, to your Lordships, and to our selves:
 “for, my Lords, this is the greatest Bond that any Subject can have in open
 “Parliament, *Verbum Regis*, this is an high point of Honor, but this shall
 “be done by the Lords and Commons, and assented to by the King in Par-
 “liament, this is the greatest Obligation of all, and this is for the Kings
 “Honor, and our Safety: Therefore my Lords we have drawn a Form of a
 A “Petition, desiring your Lordships to concur with us therein; for we do
 “come with an unanimous consent of all the House of Commons, and
 “there is great reason your Lordships should do so, for your Lordships be
 “involved in the same danger. And so I have done with the first part: and
 “I shall now desire your Lordships leave that I may read that which I have
 “so agreed on.

Here the Petition of Right was read; but we forbear to insert it as yet,
 because there were propositions for alteration; and it is not perfect, till the
 B Royal assent be given to it.

From the Eighth to the Twelfth of *May*, all Publique busineses were
 laid aside. On Monday the Twelfth the Lords had a Conference with the
 Commons, where the Lord Keeper made this Speech.

Gentlemen of the House of Commons,

C “MY Lords having a most affectionate desire to maintain that good con-
 “currence, that in this Parliament and others hath been of late between
 “both Houses, desired this Conference, to acquaint you how, and in what maner
 “they have proceeded in the Petition of Right that came from this House,
 “and to let you know, that as soon as they received it, they with all care
 “and expedition they possibly could, addressed themselves to consider there-
 “of, and after good time spent in Debate in the whole House, they made
 “a Committee to consider, whether retaining of the substance of the Pe-
 “tition, there might not be some words altered or put in to make it more
 D “sweet, to procure it a passable way to his Majesty; we know this must be
 “Crowned by the King, and good must come to all the Kingdom by this
 “course now taken. The Committee hath met, and hath propounded some
 “small matters to be altered in some few words, to make it passable, and
 “not in substance. And the Lords having this Reported from their Com-
 “mittee, and heard it read in their House, resolved of nothing till they
 “have your consent; yet they think it fitter to have it propounded to you,
 “to consider whether there should be any alteration or no, and how the
 E “propounded alterations may stand with your liking.

Lord Keep-
 ers Speech,
 communicat-
 ing a Letter
 from the
 King.

“Concerning the Commitment by the King and the Council, without
 “expressing the cause, it was resolved by the Lords to debate it this mor-
 “ning, and as soon as they should have debated it, they purposed to have
 “your concurrence with them before they resolved it; but at instant when
 “they thought to have debated it, they received a Letter from his Majesty,
 “which they conceive will give a satisfaction to both Houses in the main
 “point. My Lords desiring to keep that good concurrence begun, desired
 F “to communicate that Letter unto you, that you might take the same into
 “your considerations, as they mean to do themselves: This Letter is to be
 “read unto you.

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To the right Trusty and right well-beloved, the Lords
Spiritual and Temporal of the higher House of
Parliament.

Carolus Rex.

His Majesties
Letter.

VVE being desirous of nothing more then the advancement of the Peace
and Prosperity of our People, have given leave to free Debate upon
the highest Points of our Prerogative Royal, which in the time of our Predecessors,
Kings and Queens of this Realm, were ever restrained as matters that they
would not have discussed; and in other things we have been willing so far to de-
scend to the desires of our good Subjects, as might fully satisfie all moderate
minde, and free them from all just fears and jealousies, which those Messages
which we have heretofore sent into the Commons House, will well demonstrate un-
to the world; yet we finde it still insisted upon, that in no case whatsoever, should
it never so nearly concern matters of State or Government, we or our Privy
Council have power to commit any man without the cause shewed; whereas it
often happens, that should the cause be shewed, the service it self would thereby
be destroyed and defeated, and the cause alledged must be such as may be deter-
mined by our Judges of our Courts of Westminster, in a Legal and ordinary
way of Justice, whereas the Causes may be such as those Judges have not capa-
city of Judicature, nor Rules of Law to direct and guide their Judgement in
cases of that transcendent nature; which hapning so often, the very incroaching
on that constant Rule of Government for so many ages within this Kingdom pra-
ctised, would soon dissolve the very Foundation and Frame of our Monarchy.
Wherefore as to our Commons we made fair Propositions, which might equally pre-
serve the just Liberty of the Subject: so, my Lords, we have thought good to let
you know, that without the overthrow of Sovereignty we cannot suffer this Power
to be impeached; notwithstanding, to clear our conscience and just intentions,
this we publish, That it is not in our heart, nor will we ever extend our Royal Power
lent unto us from God, beyond the just rule of Moderation, in any thing which
shall be contrary to our Laws and Customs, wherein the safety of our People shall
be our onely aim. And we do hereby Declare our Royal pleasure and resolution
to be, which, God willing, we shall ever constantly continue and maintain, That
neither we nor our Privy Council shall or will at any time hereafter commit or
command to Prison, or otherwise restrain the persons of any for not lending Money
to us, nor for any cause which in our conscience doth not concern the publique
good and safety of us and our people, we will not be drawn to pretend any cause
wherein our judgement and conscience is not satisfied with; base thoughts, we
hope no man can imagine will fall into our Royal breast; and that in all cases of
this nature, which shall hereafter happen, we shall upon the humble Petition of
the party, or address of our Judges unto us, readily and really express the true
cause of their Commitment or Restraint, so soon as with conveniency and safety
the same is fit to be disclosed and expressed; and that in all Causes Criminal, of
ordinary Jurisdiction, our Judges shall proceed to the Deliverance or Bailment
of the Prisoner, according to the known and ordinary Rules of the Laws of this
Land, and according to the Statute of Magna Charta, and those other Six Sta-
tutes insisted upon, which we do take knowledge stand in full force, and which we
intend not to abrogate and weaken, against the true intention thereof. This we
have thought fit to signify, the rather to shorten any long Debate upon this great
question,

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question, the season of the year being so far advanced, and our great Occasions of State not lending many more days for longer continuance of this Session of Parliament.

4 Caroli.

Given under our Signet at our Palace at Westminster,
20^o Mai the Fourth year of our Reign.

A The same day the Kings Letter was communicated to the House of Commons, they laid it aside, and Sir Thomas Wentworth said it was a Letter of Grace, but the people will onely like of that which is done in a Parliamentary way; besides, the Debate of it would spend much time, neither was it directed to the House of Commons; and the Petition of Right would clear all mistakes: For (said he) some give out, as if the House went about to pinch the Kings Prerogative. But the further Debate of this matter took up several days.

B May 17. the Lords propounded at a Conference an Addition to be made to the Petition of Right, which was delivered by the Lord Keeper, to this purpose:

The Lords Proposition at a Conference, about an addition to the Petition of Right.

C **T**hat whereas at the late Conference of both Houses there were some things propounded that came from their Lordships, out of a desire the Petition might have the easier passage with his Majesty, not intending to violate in any maner the substance of the Petition, but it was then thought fit that there was another part of the Petition of as great importance and weight: My Lords since the time of that Conference, have imployed themselves wholly to reduce the Petition to such a frame and order, that may give both to you and them hope of acceptance.

D "And after many deliberations, and much advice taken, my Lords have resolved to represent to you something which they have thought upon; yet not as a thing conclusive to them or you; and according to their desires (having mentioned it in the beginning) have held it fit to conclude of nothing till that you be made acquainted with it, and that there may be a mature advisement between you and them, so that there may be the happier conclusion in all their business.

"This being the determination of the Lords, that nothing that is now offered unto you should be conclusive, yet they thought it convenient to present it unto you.

E "This alteration (and not alteration) but addition, which they shall propound unto you, to be advised and conferred upon, which is no breach of the frame, they think it meet, if it shall stand with your liking, to be put in the conclusion of the Petition, which I shall now read unto you.

The Lords addition to the Petition of Right.

F **W**e present this our humble Petition to your Majesty, with the care not onely of preserving our own Liberties, but with due regard to leave intire that Sovereign Power wherewith your Majesty is trusted for the Protection, Safety, and Happiness of the People.

"This is the thing the Lords do present unto you, this subject of this Conference concerning the adding of this in the conclusion of the Petition, and that they know that this is new, and that you cannot presently give an answer to it; therefore they desire that you do with
"some

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some speed consider of it, and their Lordships will be ready this afternoon.

This Addition produced several Speeches.

Mr. Alford.

LEt us look (said he) into the Records, and see what they are, what is Sovereign Power? "*Bodin* saith, That it is free from any Condition, by this we shall acknowledge a Regal as well as a Legal Power: Let us give that to the King that the Law gives him, and no more.

A

Mr. Pimme.

IAm not able to speak to this question, I know not what it is: All our Petition is for the Laws of *England*, and this Power seems to be another distinct Power from the Power of the Law: I know how to adde Sovereign to his Person, but not to his Power: Also we cannot leave to him Sovereign Power, we never were possessed of it.

B

Mr. Hackwell.

WE cannot admit of those words with safety, they are applicable to all the parts of our Petition: It is in the nature of a Saving, and by it we shall imply, as if we had incroached on his Prerogative; all the Laws we cite, are without a Saving, and yet now after the violation of them, we must adde a Saving: Also I have seen divers Petitions, and where the Subject claimed a Right, there I never saw a Saving of this nature.

Sir Ed. Cook

THis is *Magnum in parvo*, this is propounded to be a conclusion of our Petition: It is a matter of great weight; and to speak plainly, it will overthrow all our Petition; it trenches to all parts of it: It flies at Loans, and at the Oath, and at Imprisonment, and Billeting of Soldiers; this turns all about again. Look into all the Petitions of former times, they never petitioned, wherein there was a saving of the Kings Sovereignty: I know that Prerogative is part of the Law, but Sovereign Power is no Parliamentary word: In my opinion it weakens *Magna Charta*, and all our Statutes; for they are absolute without any saving of Sovereign Power: and shall we now adde it, we shall weaken the Foundation of Law, and then the building must needs fall; take we heed what we yield unto, *Magna Charta* is such a fellow, that he will have no Sovereign: I wonder this Sovereign was not in *Magna Charta*, or in the Confirmations of it: If we grant this, by implication we give a Sovereign Power above all these Laws: Power in Law, is taken for a Power with force: The Sheriff shall take the Power of the County, what it means here, God onely knows: It is repugnant to our Petition, that is a Petition of Right, grounded on Acts of Parliament: our Predecessors could never indure a *Salvo jure suo*, no more then the Kings of old could indure for the Church, *Salvo honore Dei & Ecclesie*: We must not admit of it, and to qualifie it is impossible: Let us hold our Priviledges according to the Law; that Power that is above this, it is not fit for the King and people to have it disputed further, I had rather for my part have the Prerogative acted, and I my self to lie under it, then to have it disputed.

C

D

E

Sir Thomas Wentworth

IF we do admit of this Addition, we shall leave the Subject worse then we found him, and we shall have little thanks for our labor when we come home: let us leave all power to his Majesty, to punish Malefactors: but these Laws are not acquainted with Sovereign Power, we desire no new thing,

F

"thing, nor do we offer to trench on his Majesties Prerogative, we may
"not recede from this Petition, either in part, or in whole.

4 Caroli.

"TO adde a Saving is not safe, doubtful words may beget an ill constru-
"ction, and the words are not onely doubtful words, but words unknown
"to us, and never used in any Act or Petition before.

Mr. Noy.

A "L Et us not go too hastily to the question, said Mr. Selden: If there be
"any Objections, let any propound them, and let others answer them as
"they think good: If it hath no reference to our Petition, what doth it
"here? I am sure all others will say it hath reference, and so must we: how
"far it doth exceed all examples of former times, no man can shew me the
"like: I have made that search that fully satisfies me, and I finde not ano-
"ther besides 28 of *Eliz.* We have a great many Petitions, and Bills of
"Parliament in all ages, in all which we are sure no such thing is added:
B "That Clause of the 28 of *Edw. 1.* it was not in the Petition, but in the
"Kings Answer.

Mr. Selden.

"In *Magna Charta* there were no such Clauses, the Articles themselves
"are to be seen in a Library at *Lambeth*, in a Book of that time, upon
"which the Law was made. There was none in the Articles in King *Fohns*
"time, for these I have seen, there is no Saving. In the Statutes of *Con-*
"firmatio Chartarum, is a Saving *les auncients Aids*, that is, for *file mayer*, &
"pur faire fitz Chivalier, and for ransom: and in the Articles of King *Fohn*,
C "in the Original Charter, which I can shew, there those three Aids were
"named therein, and they were all known: In the 25. of *Edw. 3.* there is
"a Petition against Loans, there is no Saving, and so in others: As for
"that Addition in the 28. of *Edw. 1.* do but observe the Petitions after *Mag-*
"na Charta, as 5 *Edw. 3.* they put up a Petition, whereas in *Magna Char-*
"ta it is contained, That none be imprisoned, but by due process of Law;
"those words are not in *Magna Charta*, and yet there is no Saving; and so
"in the 28. of *Edw. 3.* & 36. & 37. & 42. of *Edw. 3.* all which pass by
D "Petition, and yet there is no Saving in them: And there are in them other
"words then are in *Magna Charta*, and yet no Saving.

"For that that Mr. Speaker said, The King was our heart, and ever shall
"be, but we then speak of the Kings Prerogative by it self, and we are
"bound to say so: But speaking of our Rights, shall we say we are not to
"be imprisoned, Saving by the Kings Sovereign Power? Say my Lands
"(without any Title) be seized in the Kings hand, and I bring a Petition of
"Right, and I go to the King and say, I do by no means seek your Maje-
E "sties Right and Title; and after that I bring a Petition or *Monstrance de*
"droit, setting forth my own Right and Title, and withal set down a Sa-
"ving, that I leave intire his Majesties Right, it would be improper. It
"was objected, That in the 28. of *Edw. 1.* in the end of *Articuli super Char-*
"tas, which was a confirmation of *Magna Charta*, and *Charta de foresta*, in
"the end there is a Clause, *Savant le droit & Segnory*, the words are ex-
"tant in that Roll that is now extant, but the original Roll is not extant.

"In the 25th *E. 3.* there was a confirmation of the Charter in 27 *E. 3.*
F "The Parliament was called, and much stir there was about the Charter, and
"renewing the Articles, but then little was done. In 28 *E. 1.* the Commons
"by Petition or Bill did obtain the Liberties and Articles at the end of the
"Parliament, they were extracted out of the Roll, and Proclaimed abroad;
"the addition was added in the Proclamation: in the Bill there was no *savant*,
"but afterwards it was put in: And to prove this, it is true, there is no Par-
liament

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liament Roll of that year, yet we have Histories of that time : In the Library at *Oxford* there is a Journal of a Parliament of that very year, which mentions so much; also in the publique Library at *Cambridge* there is a Manuscript that belonged to an Abby, it was of the same year 28 E. 1. and it mentions the Parliament and the Petitions, and *Articulos quos petierunt sic confirmaverit Rex ut in fine adderet, Salvo jure Coronæ regis*, and they came by Proclamation in *London*; when the people heard this clause added in the end, they fell into execration for that addition; and the great Earls that went away satisfied from the Parliament, hearing of this, went to the King, and after it was cleared at the next Parliament. Now there is no Parliament Roll of this; of that time onely in one Roll in the end of E. 3. there is a Roll that recites it.

The Lords afterwards at a Conference tendred Reasons to fortifie their addition : which were briefly reported ; That the Lord Keeper said,

“ That the Lords were all agreed to defend and maintain the just Liberties of the Subject, and of the Crown, and that the word (Leave) was debated amongst them; and thereby they meant to give no new, but what was before : for the words, *Sovereign Power*, as he is a King, he is a Sovereign, and must have Power; and he said the words were easier then the *Prerogative* : As for the word (that) which is a relative, and referred to *that Power* that is for the safety of the People; and this, said he, can never grieve any man, being thus published, it is not Sovereign Power in general; but now in confutation of our Reasons, he saith, *Magna Charta* was not with a Saving; but said he, You pursue not the words in *Magna Charta*, and therefore it needs an addition.

“ As for the 28 of E. 3. he said there was a Saving, and an ill exposition cannot be made of this, and both Houses have agreed it in substance already; the Commons did it in a Speech delivered by our Speaker, and that we said we have not a thought to incroach on the Kings Sovereignty; and why may ye not add it in your Petition ?

Upon this Report Mr. *Mason* readily spake his opinion in maner following.

“ In our Petition of Right to the Kings Majesty, we mentioned the Laws and Statutes, by which it appeared, That no Tax, Loan, or the like, ought to be Levied by the King, but by common assent in Parliament : That no Freeman ought to be imprisoned but by the Law of the Land : That no Freeman ought to be compelled to suffer soldiers in his house. In the Petition we have expressed the breach of these Laws, and desire we may not suffer the like, all which we pray as our Rights and Liberties.

“ The Lords have proposed an addition to this Petition, in these words.

“ We humbly present this Petition to your Majesty, not onely with a care of our own Liberties, but with a due regard to leave intire that Sovereign Power wherewith your Majesty is intrusted, for the Protection, Safety and Happiness of your People.

“ And whether we shall consent unto this addition, is the subject of this days discourse : and because my Lord Keeper at the conference declared their Lordships had taken the words of the Petition apart, I shall do so too. The word (Leave) in a Petition, is of the same nature as (Saving) in a Grant or Act of Parliament, when a man grants but part of a thing, he

saves

“saves the rest ; when he petitions to be restored but to part, he leaveth
“the rest : Then in the end of our Petition the word (Leave) will imply,
“that something is to be left of that , or at least with a reference to what
“we desire.

“The word (Intire) is very considerable, a Conqueror is bound by no
“Law, but hath power *dare Leges*, his Will is a Law ; and although *Wil-*
“*liam* the Conqueror, at first, to make his way to the Crown of *England*
A “the more easie, and the possession of it more sure, claimed it by Title ; but
“afterward when there were no powerful pretenders to the Crown, the title
“of Conquest (to introduce that absolute Power of a Conqueror) was
“claimed, and that Statute of *Magna Charta*, and other Statutes mentioned
“in our Petition, do principally limit that Power. I hope it is as lawful for
“me to cite a Jesuit, as it is for Doctor *Manwaring* to falsifie him ; *Suares*,
“in his first Book *de Legibus*, Cap. 17. delivered his opinion in these words :

B “*Amplitudo & restrictio potestatis Regum circa ea quæ per se mala vel in-*
“*justa non sunt, pendet ex arbitrio hominum & ex ambigua conventionione vel*
“*pactio inter reges & regnum.* And he further expresseth his opinion, that
“the King of *Spain* was so absolute a Monarch , that he might impose Tri-
“bute without consent of his people, until about Two hundred years since,
“when it was concluded between him and his people, that without consent
“of his people by Proxies he should not impose any Tribute. And *Suares*
“opinion is, That by that agreement, the Kings of *Spain* are bound to im-
“pose no Tribute without consent.

C “And this Agreement that Author calls a restraining of that Sovereign
“Power, the Statutes then mentioned in our Petition restraining that ab-
“solute Power of Conqueror; if we recite those Statutes, and say we leave
“the Sovereign Power intire, we do take away that restraint which is the
“virtue and strength of those Statutes , and set at liberty the claim of the
“Sovereign Power of a Conqueror, which is to be limited and restrained by
“no Laws: This may be the danger of the word (Intire.)

D “The next word delivered by the Lords as observeable, is the particle
“(That) because it was said, That all Sovereign Power is not mentioned to
“be left, but onely (that) with which the King is trusted for our Protection,
“Safety and Happiness: But I conceive this to be an exception of all Sove-
“raign Power ; for all Sovereign Power in a King , is for the Protection,
“Safety and Happiness of his People : If all Sovereign Power be excepted,
“you may easily judge the consequence, all Loans and Taxes being imposed
“by colour of that Sovereign Power.

E “The next word is (Trusted) which is very ambiguous , whether it be
“meant trusted by God onely as a Conqueror, or by the people also as
“King, which are to govern also according to Laws *ex pacto*. In this
“point I will not presume to adventure further, onely I like it not, by rea-
“son of the doubtful Exposition it admits. I have likewise considered the
“Proposition it self, and therein I have fallen upon the Dilemma, that this
“addition shall be construed either to refer unto the Petition, or not : if it
“do refer unto the Petition, it is meerly useles and unnecessary , and unbe-

F “fitting the judgement of this grave and great Assembly to add to a Peti-
“tion of this weight. If it hath reference unto it, then it destroys not
“onely the virtue and strength of our Petition of Right, but our Rights
“themselves ; for the addition being referred to each part of the Petition,
“will necessarily receive this construction: That none ought to be compel-
“led to make any Gift, Loan, or such like charge, without common consent
“or Act of Parliament , unless it be by the Sovereign Power , with which

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“ the King is trusted for the Protection, Safety and Happiness of his People.

“ That none ought to be compelled to sojourn or billet Soldiers, unless by the same Sovereign Power, and so of the rest of the Rights contained in the Petition: And then the most favorable construction will be, that the King hath an ordinary Prerogative, and by that he cannot impose Taxes or Imprison; that is, he cannot impose Taxes at his will, to employ them as he pleaseth; but that he hath an extraordinary and transcendent Sovereign Power for the protection and happiness of his people, and for such purpose he may impose Taxes, or billet Soldiers, as he pleaseth; and we may assure our selves, that hereafter all Loans, Taxes and Billeting of Soldiers, will be said to be for the Protection, Safety and Happiness of the People: Certainly hereafter it will be conceived, that an House of Parliament would not have made an unnecessary addition to this Petition of Right, and therefore it will be resolved, that the Addition hath relation to the Petition, which will have such operation as I have formerly declared, and I the rather fear it, because the late Loan and Billeting have been declared to have been by Sovereign Power for the good of our selves; and if it be doubtful whether this Proposition hath reference to the Petition or not, I know not who shall judge whether Loans or Imprisonments hereafter be by that Sovereign Power or not?

“ A Parliament, which is made a Body of several Writs, and may be dissolved by one Commission, cannot be certain to decide this question. We cannot resolve that, that the Judges shall determine the words of the Kings Letter read in this House, expressing the cause of Commitment, may be such, that the Judges have not capacity of Judicature, no Rules of Law to direct and guide their judgements in Cases of that transcendent nature, the Judges then and the Judgements are easily conjectured; it hath been confessed by the Kings Council, that the Statute of *Magna Charta* bindes the King, it bindes his Sovereign Power; and here is an Addition of Saving the Kings Sovereign Power: I shall endeavor to give some Answer to the Reasons given by the Lords.

“ The first is, That it is the intention of both Houses, to maintain the just Liberty of the Subject, and not to diminish the just Power of the King; and therefore the expression of that intention in this Petition, cannot prejudice us. To which I answer,

“ First, That our intention was, and is, as we then professed, and no man can assign any particular in which we have done to the contrary; neither have we any way transgressed in that kinde in this Petition: and if we make this addition to the Petition, it would give some intimation that we have given cause or colour of offence therein, which we deny, and which if any man conceive so, let him assign the particular, that we may give answer thereunto.

“ By our Petition we onely desire our particular Rights and Liberties to be confirmed to us, and therefore it is not proper for us in it to mention Sovereign Power in general, being altogether impertinent to the matter in the Petition.

“ There is a great difference between the words of the Addition, and the words proposed therein, for reason, viz. between just Power which may be conceived to be limited by Laws, and Sovereign Power, which is supposed to be transcendent and boundless.

“ The second Reason delivered by their Lordships was, That the King is Sovereign; That as he is Sovereign, he hath power, and that that

Sovereign

"Sovereign Power is to be left: for my part, I would leave it, so as not to mention it, but if it should be expressed to be left in this Petition, as it is proposed, it must admit something to be left in the King of what we pray, or at least admit some Sovereign Power in his Majesty, in these Priviledges which we claim to be our Right, which would frustrate our Petition and destroy our Right, as I have formerly shewed.

A "The third Reason given from this Addition was, That in the Statute of *Articuli super Chartas*, there is a Saving of the *Seignior*y of the Crown.

"To which I give these Answers, That *Magna Charta* was confirmed above thirty times, and a general Saving was in none of these Acts of Confirmation, but in this onely; and I see no cause we should follow one ill, and not thirty good Precedents, and the rather because that Saving produced ill effects that are well known.

B "That Saving was by Act of Parliament; the conclusion of which Act is, that in all those Cases the King did well, and all those that were at the making of that Ordinance did intend, that the right and *Seignior*y of the Crown should be saved: By which it appears that the saving was not in the Petition of the Commons, but added by the King; for in the Petition the Kings will is not expressed.

C "In that Act the King did grant and depart with to his People, divers Rights belonging to his Prerogative, as in the first Chapter he granted, That the People might choose three men which might have Power to hear and determine Complaints, made against those that offended in any point of *Magna Charta*, though they were the Kings Officers, and to Fine and Ransome them: and in the 8. 12. and 19. Chapter of that Statute, the King departed with other Prerogatives; and therefore there might be some reason of the adding of, that Sovereign, by the Kings Council: But in this Petition we desire nothing of the Kings Prerogative, but pray the enjoying of our proper and undoubted Rights and Priviledges; and therefore there is no cause to adde any words which may imply a Saving of that which concerns not the matter in the Petition.

D "The fourth Reason given by their Lordships was, That by the mouth of our Speaker we have this Parliament declared, That it was far from our intention to inroach upon his Majesties Prerogative, and that therefore it could not prejudice us, to mention the same resolution in an Addition to this Petition.

E "To which I Answer, That that Declaration was a general Answer to a Message from his Majesty to us; by which his Majesty expressed, That he would not have his Prerogative straitned by any new Explanation of *Magna Charta*, or the rest of the Statutes: and therefore that expression of our Speakers was then proper, to make it have reference to this Petition, there being nothing therein contained but particular Rights of the Subject, and nothing at all concerning his Majesties Prerogative.

F "Secondly, That Answer was to give his Majesty satisfaction of all our proceedings in general, and no man can assign any particular, in which we have broken it; and this Petition justifies it self, that in it we have not offended against the Protestation: and I know no reason but that this Declaration should be added to all our Laws we shall agree on this Parliament, as well as to this Petition.

"The last Reason given was, That we have varied in our Petition from the words of *Magna Charta*; and therefore it was well necessary, that a Saving should be added to the Petition.

"I Answer, That in the Statute 5 E. 3. 25 E. 3. 28 E. 3. and other Statutes,

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“ Statutes, with which *Magna Charta* is confirmed: the words of the Statute of Explanation, differ from the words of *Magna Charta* it self, the words of some of the Statutes of Explanation being, that no man ought to be apprehended, unless by Indictment, or due process of Law; and the other Statutes differing from the words of *Magna Charta*, in many other particulars, and yet there is no Saving in those Statutes, much less should there be any in a Petition of Right. These are the Answers I have conceived to the Reasons of their Lordships, and the Exposition I apprehend must be made of the proposed words, being added to our Petition. And therefore I conclude that in my opinion we may not consent to this Addition, which I submit to better Judgements. A

The Commons afterwards appointed Mr. *Glanvile*, and Sir *Henry Martin*, to manage another Conference to be had with the Lords, concerning the said matter, and to clear the Sense of the Commons in that point: the one argued the Legal, the other the Rational part, and though the matter delivered by the length of it may seem tedious to the Reader, and some matters spoken of before repeated again; yet if the Reader observe the Language and Style, as well as the subject Matter, perhaps it will be no penance unto him. B

Mr. Glanviles Speech in a full Committee of both Houses of Parliament 23. May, 1628. in the Painted Chamber at Westminster. C

Mr. Glanviles Speech at a Committee of both Houses concerning Sovereign Power.

“ MY Lords, I have in charge from the Commons House of Parliament, (whereof I am a Member) to express this day before your Lordships some part of their clear sense, touching one point that hath occurred in the great Debate, which hath so long depended in both Houses. D

“ I shall not need many words to induce or state the question, which I am to handle in this free Conference. The subject matter of our meeting is well known to your Lordships, I will therefore onely look so far back upon it, and so far recollect summarily the proceedings it hath had, as may be requisite to present clearly to your Lordships considerations, the nature and consequence of that particular wherein I must insist.

“ Your Lords may be pleased to remember, how that the Commons in this Parliament have framed a Petition to be presented to his Majesty, a Petition of Right rightly composed, relating nothing but truth, desiring nothing but Justice, a Petition justly occasioned, a Petition necessary and fit for these times, a Petition founded upon solid and substantial grounds, the Laws and Statutes of this Realm, sure Rocks to build upon; a Petition bounded within due limits, and directed upon right ends, to vindicate some lawful and just Liberties of the free Subjects of this Kingdom, from the prejudice of violations past, and to secure them from future innovations. E

“ And because my following discourse must reflect chiefly, if not wholly, upon the matter of this Petition: I shall here crave leave shortly to open to your Lordships the distinct parts whereof it doth consist, and those are four. F

“ The first concerns Levies of Moneys, by way of Loans or otherwise, for his Majesties supply, Declaring that no man ought, and praying that

no

"no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common consent by Act of Parliament.

A "3. The second is concerning that Liberty of Person, which rightfully belongs to the Free Subjects of this Realm, expressing it to be against the tenure of the Laws and Statutes of the Land, that any Freeman should be imprisoned without cause shewed; and then reciting how this Liberty amongst others hath lately been infringed, it concludeth with a just and necessary desire for the better clearing and allowance of this privilege for the future.

"3. The third declareth the unlawfulness of billeting or placing Soldiers or Mariners to sojourn in Free Subjects houses against their wills, and prayeth remedy against that grievance.

B "4. The fourth and last aimeth at redress touching Commissions, to proceed to the Tryal and Condemnation of Offenders, and causing them to be executed and put to death by the Law Marshall, in times and places, when and where, if by the Laws and Statutes of the Land they had deserved death, by the same Laws and Statutes also they might, and by none other ought to be adjudged and executed.

C "This Petition the careful House of Commons, not willing to omit any thing pertaining to their duties, or that might advance their moderate and just ends, did heretofore offer up unto your Lordships consideration, accompanied with an humble desire, That in your Nobleness and Justice you would be pleased to joyn with them in presenting it to his Majesty, that so coming from the whole Body of the Realm, the Peers and People, to him that is the Head of both, our Gracious Sovereign, who must crown the Work, or else all our labour is in vain; it might by your Lordships concurrence and assistance finde the more easie passage, and obtain the better answer.

D "Your Lordships, as your maner is in cases of so great importance, were pleased to debate and weigh it well, and thereupon you propounded to us some few amendments (as you termed them) by way of alteration, alleging that they were onely in matters of form, and not of substance; and that they were intended to none other end but to sweeten the Petition, and make it the more passable with his Majesty.

E "In this the House of Commons cannot but observe that fair and good respect which your Lordships have used in your proceedings with them, by your concluding or Voting nothing in your House, until you had imparted it unto them; whereby our meetings about this business have been justly stiled Free Conferences, either party repairing hither disingaged to hear and weigh the others Reasons, and both Houses coming with a full intention upon due consideration of all that can be said on either side, to joyn at last in resolving and acting that which shall be found most just and necessary for the honor and safety of his Majesty and the whole Kingdom.

F "And touching those propounded alterations, which were not many, your Lordships cannot but remember that the House of Commons have yielded to an accommodation, or change of their Petition in two particulars, whereby they hope your Lordships have observed as well as ye may, they have not been affected unto words or phrases; nor over-much abounding in their own sense, but rather willing to comply with your Lordships in all indifferent things.

"For the rest of your proposed amendments, if we do not mis-conceive your

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“ your Lordships, as we are confident we do not, your Lordships of your
 “ selves have been pleased to relinquish them with a new overture, for one
 “ onely Clause to be added in the end or foot of the Petition, whereby the
 “ work of this day is reduced to one simple head, whether that Clause shall
 “ be received or not ?

“ This yielding of the Commons in part unto your Lordships, of other
 “ points by you somewhat insisted upon, giveth us great assurance that our
 “ ends are one, and putteth us in hope, that in conclusion we shall
 “ concur, and proceed unanimously to seek the same ends by the same
 “ means.

“ The clause propounded by your Lordships to be added to the Petition
 “ is this.

WE humbly present this Petition to your Majesty, not onely
 with a care for preservation of our Liberties, but with a due
 regard to leave intire that Sovereign Power wherewith your Maje-
 sty is trusted for the Protection, Safety and Happiness of your
 People.

“ A clause specious in shew, and smooth in words, but in effect and con-
 “ sequence most dangerous, as I hope to make most evident; however
 “ coming from your Lordships, the House of Commons took it into their
 “ considerations, as became them, and apprehending upon the first Debate,
 “ that it threatned ruine to the whole Petition, they did heretofore deli-
 “ ver some Reasons to your Lordships, for which they then desired to be
 “ spared from admitting it.

“ To these Reasons your Lordships offered some Answers at the last
 “ meeting; which having been faithfully reported to our House, and there
 “ debated, as was requisite for a business of such weight and importance, I
 “ must say truly to your Lordships, yet with due reverence to your opini-
 “ ons, the Commons are not satisfied with your Arguments; and there-
 “ fore they have commanded me to recollect your Lordships Reasons for
 “ this Clause, and in a fair Reply to let you see the causes why they differ
 “ from you in opinion.

“ But before I come to handle the particulars wherein we dissent from
 “ your Lordships, I will in the first place take notice yet a little further of
 “ that general wherein we all concur; which is, That we desire not (nei-
 “ ther do your Lordships) to augment or dilate the Liberties and Priviledges
 “ of the Subjects beyond the just and due Bounds, nor to incroach upon
 “ the Limits of his Majesties Prerogative Royal; and as in this your Lord-
 “ ships at the last meeting exprest clearly your own senses, so were your
 “ Lordships not mistaken in collecting the concurrent sense and meaning of
 “ the House of Commons; they often have protested they do, and ever
 “ must protest, that these have been and shall be the Bounds of their de-
 “ sires, to demand and seek nothing but that which may be fit for dutiful
 “ and loyal Subjects to ask, and for a gracious and just King to grant; for
 “ as they claim by Laws some Liberties for themselves, so do they acknow-
 “ ledge a Prerogative, a high and just Prerogative belonging to the King,
 “ which they intend not to diminish. And now my Lords, being assured,
 “ not by strained inferences, or obscure collections, but by the exprest and
 “ clear Declarations of both Houses, that our ends are the same; it were
 “ a miserable unhappiness if we should fail in finding out the means to ac-
 “ complish our desires.

My

"My Lords, the Heads of those particular Reasons which you insisted upon the last day where only these:

"1. First you told us that the word (Leave) was of such nature, that it could give no new thing to his Majesty.

"2. That no just exception could be taken to the words (Sovereign Power) for that as his Majesty is a King, so he is a Sovereign; and as he is a Sovereign, so he hath Power.

A "3. That the Sovereign Power mentioned in this Clause, is not absolute or indefinite, but limited and regulated by the particle (That) and the word (Subsequent) which restrains it to be applied only for Protection, Safety, and Happiness of the People, whereby ye inferred, there could be no danger in the allowance of such power.

B "4. That this Clause contained no more in substance, but the like expressions of our meanings in this Petition, which we had formerly signified unto his Majesty by the mouth of Mr. Speaker, that we no way intended to incroach upon his Majesties Sovereign Power or Prerogative.

"5. That in our Petition we have used other words, and of larger extent touching our Liberties, then are contained in the Statutes whereon it is grounded: In respect of which enlargement, it was fit to have some express, or implied Saving, or Narrative, Declaratory for the Kings Sovereign Power, of which Narrative ye alledge this Clause to be.

C "6. Lastly, whereas the Commons, as a main Argument against the Clause, had much insisted upon this, that it was unprecedented, and unparliamentary in a Petition from the Subjects, to insert a Saving for the Crown: your Lordships brought for instance to the contrary the two Statutes of the 25 E. 1. commonly called, *Confirmatio Chartarum*, and 28 E. 1. known by this name of *Articuli super Chartas*, in both which Statutes there are Saving is for the Kings.

D "Having thus reduced to your Lordships memories, the effects of your own reasons; I will now with your Lordships favor come to the points of our Reply, wherein I most humbly beseech your Lordships to weigh the Reasons which I shall present, not as the sense of my self, the weakest Member of our House, but as the genuine and true sense of the whole House of Commons, conceived in a business there debated with the greatest gravity and solemnity, with the greatest concurrence of opinions, and unanimity that ever was in any business maturely agitated in that House. I shall not peradventure follow the Method of your Lordships recollected Reasons in my answering to them, nor labor to urge many reasons. It is the desire of the Commons, that the weight of their Arguments should be recompensed (if need be) the finalness of their number. And in conclusion, when you have heard me through, I hope your Lordships shall be enabled to collect clearly out of the frame of what I shall deliver, that in some part or other of my discourse there is a full and satisfactory answer, given to every particular reason or objection of your Lordships.

E "The Reasons that are now appointed to be presented to your Lordships are of two kinds, Legal and Rational, of which these of the former sort are allotted to my charge, and the first of them is thus.

F "The Clause now under question if it be added to the Petition, then either it must refer, or relate unto it, or else not; if it have no such reference, is it not clear that it is needless and superfluous? and if it have such reference, is it not clear that then it must needs have an operation upon the whole Petition, and upon all the parts of it?

"We cannot think that your Lordships would offer us a vain thing, and there-

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"therefore taking it for granted, that if it be added it would refer to the
 "Petition: let me beseech your Lordships to observe with me, and with
 "the House of Commons, what alteration and qualification of the same it
 "will introduce.

"The Petition of it self, simply and without this Clause, declareth abso-
 "lutely the Rights and Priviledges of the Subject, in divers points; and
 "amongst the rest touching the Levies of monies, by way of Loans or
 "otherwise for his Majesties supply, That such Loans and other charges
 "of the like nature, by the Laws and Statutes of this Land, ought not to
 "be made or laid without common consent by Act of Parliament: But
 "admit this Clause to be annexed with reference (to the Petition) and it
 "must necessarily conclude and have this Exposition, That Loans and the
 "like Charges (true it is ordinarily) are against the Laws and Statutes of
 "the Realm, *unless they be warranted by Sovereign Power*, and that they can-
 "not be commanded or raised without assent of Parliament, *unless it be by*
 "*Sovereign Power*; what were this but to admit a Sovereign Power in the
 "King above the Laws and Statutes of the Kingdome?"

"Another part of this Petition is, That the free Subjects of this Realm
 "ought not to be imprisoned without cause shewed: But by this Clause
 "a Sovereign Power will be admitted, and left intire to his Majesty, suffi-
 "cient to control the force of Law, and to bring in this new and dangerous
 "Interpretation, That the free Subjects of this Realm ought not by Law
 "to be imprisoned without cause shewed, *unless it be by Sovereign*
 "*Power*."

"In a word, this Clause, if it should be admitted, would take away the
 "effect of every part of the Petition, and become destructive to the whole:
 "for thence will be the Exposition touching the Billeting of Soldiers and
 "Mariners in free mens houses against their wills; and thence will be the
 "Exposition touching the Times and Places for execution of the Law Mar-
 "shal, contrary to the Laws and Statutes of the Realm.

"The scope of this Petition, as I have before observed, is not to amend
 "our Case, but to restore us to the same state we were in before; whereas,
 "if this Clause be received, in stead of mending the condition of the poor
 "Subjects, whose Liberties of late have been miserably violated by some
 "Ministers, we shall leave them worse then we found them; in stead of curing
 "their wounds, we shall make them deeper. We have set bounds to our
 "desires in this great Business, whereof one is not to diminish the Prero-
 "gative of the King, by mounting too high; and if we bound our selves on
 "the other side with this limit, not to abridge the lawful Priviledges of the
 "Subject, by descending beneath that which is meet, no man we hope
 "can blame us.

"My Lords, as there is mention made in the additional *Clause of Sove-*
 "*raign Power*, so is there likewise of a trust reposed in his Majesty, touch-
 "ing the use of Sovereign Power.

"The word Trust is of great Latitude, and large extent, and therefore
 "ought to be well and warily applied and restrained, especially in the
 "Case of a King: There is a trust inseparably reposed in the Persons of the
 "Kings of *England*, but that trust is regulated by Law; for example, when
 "Statutes are made to prohibite things not *mala in se*, but onely *mala quia*
 "*prohibita*, under certain forfeitures and penalties, to accrue to the King
 "and to the Informers, that shall sue for the breach of them: The Com-
 "mons must and ever will acknowledge a Regal and Sovereign Prerogative
 "in the King, touching such Statutes, that it is in his Majesties absolute and
 undoubted

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“undoubted Power, to grant Dispensations to particular persons, with the
 “Clauses of *Non obstante*, to do as they might have done before those Sta-
 “tutes, wherein his Majesty conferring grace and favour upon some, doth
 “not do wrong to others; but there is a difference between those Statutes,
 “and the Laws and Statutes whereon the Petition is grounded: by those
 “Statutes the Subject hath no interest in the penalties, which are all the
 “fruit such Statutes can produce, until by Suit or Information commenced,
 A “he become intituled to the particular forfeitures; whereas the Laws and
 “Statutes mentioned in our Petition are of another nature; there shall
 “your Lordships finde us to rely upon the good old Statute, cal-
 “led *Magna Charta*, which declareth and confirmeth the anci-
 “cient Common Laws of the Liberties of *England*: There shall
 “your Lordships also finde us also to insist upon divers other
 “most material Statutes made in the time of King *E. 4.* and *E. 3.* and
 “other famous Kings, for explanation and ratification of the Lawful Rights
 “and Priviledges belonging to the Subjects of this Realm, Laws not in-
 B “flicting Penalties upon Offenders, *in malis prohibitis*, but Laws declara-
 “tive or positive, conferring or confirming *ipso facto*, an inherent Right and
 “Interest of Liberty and Freedom in the Subjects of this Realm, as
 “their Birthrights and Inheritance descendable to their Heirs and Posterity;
 “Statutes incorporate into the Body of the Common Law, over which
 “(with reverence be it spoken) there is no Trust reposed in the Kings *So-*
 “*veraign Power or Prerogative Royal* to enable him to dispense with them,
 “or to take from his Subjects that Birthright or Inheritance which they
 C “have in their Liberties by vertue of the Common Law, and of these
 “Statutes.

“But if this Clause be added to our Petition, we shall then make a dan-
 “gerous overture to confound this good destination touching what Statutes
 “the King is trusted to controll by dispensations, and what not; and shall
 “give an intimation to posterity, as if it were the opinion both of the
 “Lords and Commons assembled in this Parliament, that there is a Trust
 “reposed in the King, to lay aside by his *Soveraign Power* in some amer-
 D “gent cases, as well of the Common Law, and such Statutes as declare or
 “ratifie the Subjects Liberty, or confer Interest upon their persons, as
 “those other Penal Statutes of such nature as I have mentioned before;
 “which as we can by no means admit, so we believe assuredly, that it is
 “far from the desire of our most Gracious Sovereign, to affect so vast a
 “Trust, which being transmitted to a Successor of a different temper, might
 “enable him to alter the whole frame and fabrick of the Commonwealth,
 “and to dissolve that Government whereby his Kingdom hath flourished
 E “for so many years and ages under his Majesties most Royal Ancestors
 “and predecessors.

“Our next Reason is, That we hold it contrary to all course of Par-
 “liament, and absolutely repugnant to the very nature of a Petition of
 “Right consisting of particulars, as ours doth, to clog it with a
 “general *Saving* or Declaration to the weakning of the Right de-
 “manded; and we are bold to renew with some confidence our Allegari-
 “on, that there can be no Precedent shewed of any such Clause in any such
 F “Petitions in times past.

“I shall insist the longer upon this particular, and labour the more care-
 “fully to clear it, because your Lordships were pleased the last day to urge
 “against us the Statutes of 25 and 28 of *E. 1.* as arguments to prove the
 “contrary, and seemed not to be satisfied with that which in this point we

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“ had affirmed. True it is, that in those Statutes there are such *Savings* as
 “ your Lordships have observed; but I shall offer you a clear Answer to
 “ them, and to all other *Savings* of like nature that can be found in any
 “ Statutes whatsoever.

“ First in the general, and then I shall apply particular Answers to the
 “ particulars of those two Statutes, whereby it will be most evident, that
 “ those examples can no ways suite with the matter now in hand. To this
 “ end it will be necessary that we consider duely what that question is,
 “ which indeed concerneth a Petition, and not an Act of Parliament: This
 “ being well observed, by shewing unto your Lordships the difference be-
 “ tween a Petition for the Law, and the Law ordained upon such a Petiti-
 “ on, and opening truly and perspicuously the course that was holden in
 “ framing of Statutes before 2 H. 5. different from that which ever since
 “ then hath been used, and is still in use amongst us, and by noting the
 “ times wherein these Statutes were made, which was about one hundred
 “ years before 2 H. 5. besides the differences between these *Savings* and this
 “ Clause; I doubt not but I shall give ample satisfaction to your Lordships,
 “ that the Commons as well in this, as in all their other Reasons, have been
 “ most careful to rely upon nothing but that which is most true and per-
 “ tinent.

“ Before the second year of King H. 5. the course was thus: When the
 “ Commons were Suiters for a Law, either the Speaker of their House by
 “ word of mouth from them, the Lords House joyning with them, or by
 “ some Bill in writing, which was usually called their Petition, moved the
 “ King to Ordain Laws for the redress of such mischiefs or inconveniences
 “ as were found grievous unto the people.

“ To these Petitions the King made answer as he pleased, sometimes
 “ to part, sometimes to the whole, sometimes by denial, sometimes by as-
 “ sent, sometimes absolutely, and sometimes by qualification. Upon
 “ these Motions and Petitions, and the Kings Answers to them, was the
 “ Law drawn up and Ingrossed in the Statute Roll to binde the Kingdom;
 “ but this inconvenience was found in this course, that oftentimes the Sta-
 “ tutes thus framed were against the sense and meaning of the Commons,
 “ at whose desires they were Ordained; and therefore in the 2 H. 5. find-
 “ ing that it tended to the violation of their Liberty and Freedom, whose
 “ right it was, and ever had been, that no Law should be made without
 “ their assent; they then exhibited a Petition to the King, declaring their
 “ right in this particular, praying that from thenceforth no Law might be
 “ made or Ingrossed as Statutes, by additions or diminutions to their Mo-
 “ tions or Petitions, that should change their sense or intent, without their
 “ assent; which was accordingly established by Act of Parliament; ever
 “ since then the use hath been as the Right was before, that the King ta-
 “ keth the whole, or leaveth the whole of all Bills or Petitions exhibited
 “ for the obtaining of Laws.

“ From this course, and from the time when first it became constant and
 “ settled, we conclude strongly that it is no good Argument, because ye
 “ finde *Savings* in Acts of Parliament before the second of H. 5. that be-
 “ fore those *Savings* were in the Petitions that begat those Statutes; for
 “ if the Petitions for the two Loans so much insisted upon (which Petiti-
 “ ons, for any think we know, are not now extant) were never so absolute,
 “ yet might the King, according to the usage of those times, insert the
 “ *Savings* in his Answers, which passing from thence into the Statute Roll,
 “ do onely give some little colour, but are not proof at all that the Peti-
 “ tions also were with *Savings*.

Thus

" Thus much for the general ; to come now to the particular Statute of
" 25 of *Edw. 1.* which was a confirmation of *Magna Charta*, with some pro-
" vision for the better execution of it , as common Law, which words are
" worth the noting.

A " It is true that Statute hath also a Clause to this effect, That the King
" or his Heirs from thenceforth should take no Aids, Taxes, or Prises of
" his Subjects, but by common assent of all the Realm , *Saving* the ancient
" Aids, and Prises due and accustomed.

" This *Saving* if it were granted (which is not, nor cannot be proved)
" that it was as well in the Petition, as in the Act ; yet can it no way imply
" that it is either fit or safe, that the Clause now in question should be ad-
" ded to our Petition : for the nature and office of a *Saving*, or Exception,
" is to exempt particulars out of a general, and to ratifie the Rule in things
" not exempted, but in no sort to weaken or destroy the general Rule it
" self.

B " The body of that Law was against all Aids and Taxes and Prises in ge-
" neral, and was a confirmation of the common Law, formerly declared
" by *Magna Charta* ; the *Saving* was onely of Aids and Prises in particular,
" so well described and restrained by the words, *Ancient and Accustomed*, that
" there could be no doubt what could be the clear meaning and extent of
" that exception ; for the Kings Right to those ancient Aids, intended by
" that Statute to be saved to him, was well known in those days, and is
" not yet forgotten.

C " These Aids were three, from the Kings Tenants by Knights service,
" due by the common Law, or general Custom of the Realm ; Aid to ran-
" som the Kings Royal Person, if unhappily he should be taken prisoner
" in the Wars ; Aid to make the Kings Eldest Son a Knight, and Aid to
" marry the Kings Eldest Daughter once, but no more ; and that those
" were the onely Aids intended to be saved to the Crown by that Statute,
" appeareth in some clearness, by the Charter of King *John*, dated at
" *Runningmede* the 15 of *June* in the 5th year of his Reign, wherein they
" are enumerated with an exclusion of all other Aids whatsoever. Of this
" Charter I have here one of the Originals, whereon I beseech your Lord-
" ships to cast your eyes, and give me leave to read the very words which
" concern this point. These words (my Lords) are thus : *Nullum scatigium*
" *vel auxilium ponatur in Regno nostro, nisi per commune Consilium Regni*
" *nostri, nisi ad Corpus nostrum redimendum, & primogenitum filium nostrum*
" *militem faciendum, & ad filiam nostram primogenitam semel maritandam,*
" *& ad hoc non fiat nisi rationabile auxilium.*

E " Touching Prises, the other thing excepted by this Statute, it is also
" of a particular Right to the Crown so well known, that it needeth no
" description, the King being in possession of it by every days usage.

" It is to take one Tun of Wine before the Mast, and another behinde
" the Mast, of every Ship bringing in above twenty Tuns of Wine, and here
" discharge them by way of Merchandise.

F " But our Petition consisteth altogether of particulars, to which if any
" general *Saving* or words amounting to one should be annexed, it cannot
" work to confirm things not excepted which are none ; but to confound
" things included, which are all the parts of the Petition ; and it must needs
" beget this dangerous Exposition, that the Rights and Liberties of the Sub-
" ject, declared and demanded by this Petition, are not theirs absolutely, but
" *sub modo*, not to continue always, but onely to take place when the King is
" pleased not to exercise that *Sovereign Power*, wherewith this Clause admit-

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“ted he is trusted for the protection, safety, and happiness of his People: And thus that Birthright and Inheritance, which we have in our Liberties, shall by our own assents be turned into a meer Tenancy at will and sufferance.

“Touching the Statute of 28 Edw. 1. *Articuli super Chartas*, the scope of that Statute among other things, being to provide for the better observing and maintaining of *Magna Charta*, hath in it nevertheless two *Savings* for the King; the one particular, as I take it, to preserve the ancient Prices, due and accustomed, as of Wines and of other goods, the other general Seigniorie of the Crown in all things.

“To these two *Savings*, besides the former Answers, which may be for the most part applied to this Statute, as well as to the former; I adde these further Answers: The first of these two *Savings*, is of the same price of Wines which is excepted in the 25 Edw. 1. but in some more clearness; for that here the word (Wines) is expressly annexed to the word (Prices) which I take for so much to be in Exposition of the former Law: And albeit these words (*and of other goods*) be added, yet do I take it to be but a particular *Saving*, or exception, which being qualified with the words (*Ancient, due and accustomed*) is not very dangerous, nor can be understood of Prices or Levies upon Goods of all sorts at the Kings will and pleasure, but onely of the old and certain Customs upon Wool, Woolfels and Leather, which were due to the Crown long before the making of this Statute.

“For the latter of the two *Savings* in this Act, which is of the more unusual nature, and subject to the more exception; it is indeed general, and if we may believe the concurrent Relations of the Histories of those times, as well as those that are now Printed, as those which remain onely in Manuscripts, it gave distaste from the beginning, and wrought no good effect; but produced such distempers and troubles in the State, as we wish may be buried in perpetual oblivion; and that the like *Saving* in these and future times, may never breed the like disturbance: For from hence arose a Jealousie, That *Magna Charta* which declared the ancient Right of the Subject, and was an absolute Law in it self, being now confirmed by a latter Act with this Addition of a general *Saving*; for the Kings Right in all things by the *Saving* was weakned, and that made doubtful which was clear before: But not to depart from our main ground, which is, that *Savings* in old Acts of Parliament, before 2 H. 5. are no proof that there were the like *Savings* in the Petitions; for those Acts let me observe unto your Lordships, and so leave this point, That albeit this Petition, whereon this Act of 28 Edw. 1. was grounded, be perished; yet hath it pleased God that the very Frame and Context of the Act it self, as it is drawn up, and entred upon the Statute Roll, and Printed in our Books, doth manifestly impart that this *Saving* came in by the Kings Answer, and was not in the Original Petition of the Lords and Commons; for it cometh in at the end of the Act after the words (*le Roy veut*) which commonly are the words of the Royal assent to an Act of Parliament. And though they be mixed and followed with other words, as though the Kings Council and the rest who were present at the making of this Ordinance, did intend the same *Saving*; yet is not that Conclusive, so long as by the form of those times, the Kings Answer working upon the materials of the Petition, might be conceived by some to make the Law effectual, though varying from the frame of the Petition.

“The next Reason which the Commons have commanded me to use, for which they still desire to be spared from adding this Clause to their

“Petition,

"Petition, is this: this offensive Law of 28 E. 1. which confirmed *Magna Charta*,
 "with a *Saving*, rested not long in peace, for it gave not that satisfaction
 "to the Lords or people, as was requisite they should have in a case so near-
 "ly concerning them: and therefore about thirty three, or thirty four of
 "the same Kings Reign, a later Act of Parliament was made, whereby it
 "was Enacted, That all men should have their Laws and Liberties and
 "free Customs, as largely and wholly as they had used to have at any
 "time, when they had them best; and if any Statutes had been made, or
 "any Customs brought in to the contrary, that all such Statutes and Cu-
 "stoms should be void.

A

"This was the first Law which I call now to minde, that restored *Mag-
 na Charta* to the original purity wherein it was first moulded, albeit it
 "hath been since confirmed above twenty times more by several Acts of
 "Parliament, in the Reigns of divers most just and gracious Kings, who
 "were most apprehensive of their Rights, and jealous of their Honors,
 "and always without *Savings*; so as if between 28 and 34 E. 1. *Magna
 Charta* stood blemished with many Savings of the Kings Rights or Seig-
 "niory, which might be conceived to be above the Law; that stain and
 "blemish was long since taken away, and cleared by those many absolute
 "Declarations and Confirmations of that excellent Law which followed
 "in after ages, and so it standeth at this day purged and exempted now
 "from any such *Saving* whatsoever.

B

"I beseech your Lordships therefore to observe the circumstance of time
 "wherein we offer this Petition to be presented to your Lordships, and by
 "us unto his Majesty: Do we offer it when *Magna Charta* stands clogged with
 "a *Saving*? No, my Lords, but at this day when later and better confirma-
 "tions have vindicated and set free that Law from all exceptions; and
 "shall we now annex another and worse *Saving* to it by an unnecessary
 "Clause in that Petition, which we expect should have the fruits and ef-
 "fects of a Law? Shall we our selves relinquish or adulterate that which
 "cost our Ancestors such care and labour to purchase and refine? No,
 "my Lords, but as we should hold our selves unhappy if we should not
 "amend the wretched estate of the poor Subject, so let us hold it a wick-
 "edness to impair it.

C

D

"Whereas it was further urged by your Lordships, That to insert this
 "Clause into our Petition, would be no more then to do that again at your
 "Lordships motion and request, which we had formerly done by the
 "mouth of our Speaker; and that there is no cause why we should recede
 "from that which so solemnly we have professed. To this I answer and
 "confess, it was then in our hearts, and so it is now, and shall be ever, not to
 "incroach on his Majesties Sovereign Power. But I beseech your Lord-
 "ships to observe the different occasion and reference of that Protestation;
 "and of this Clause.

E

"That was a general Answer to a general Message, which we received
 "from his Majesty, warning us not to incroach upon his Prerogative; to
 "which, like dutiful and loving Subjects, we answered at full, according
 "to the integrity of our own hearts; nor was there any danger in making
 "such an Answer to such a Message, nor could we answer more truly or
 "more properly: But did that Answer extend to acknowledge a *Sovereign
 Power* in the King, above the Laws and Statutes mentioned in our Petiti-
 "on, or controll the Liberties of the Subject therein declared and demand-
 "ed? No my Lords, it hath no reference to any such particulars; and the
 "same words which in some cases may be fit to be used, and were unman-
 "nerly

F

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“nerly to be omitted, cannot in other cases be spoken but with impertinency at the least, if not with danger; I have formerly opened my Reasons, proving the danger of this Clause, and am commanded to illustrate the impertinency of adding it to the Petition by a familiar Case, which was put in our House by a Learned Gentleman, and of my own Robe: The Case is this, Two Manors or lordships lye adjoyning together, and perchance intermixed, so as there is some difficulty to discern the true bounds of either; as there may be touching the confines where the Liberty of the Subject, and the Prerogative of the Crown do border each upon the other; to the one of the Manors the King hath clear Right, and is in actual possession of it; but the other is the Subjects: The King being misinformed that the Subject hath intruded upon his Majesties Manor, asketh his Subject whether he doth enter upon his Majesties Manor, or pretendeth any Title to it, or any part of it? The Subject being now justly occasioned, maketh answer truly to the King, that he hath not intruded, nor will intrude upon his Majesties Manor, nor doth make any Claim or Title to it, or any part of it. This answer is proper and fair; nay it were unmannerly and ill done of the Subject not so to answer upon this occasion. Afterwards the King upon colour of some double or single matter of Record, seiseth into his Highness hands upon a pretended Title, the Subjects Manor: The Subject then exhibiteth his Petition of Right, or to his Majesty, to attain restitution of his own Manor, and therein layeth down Title to his own Manor onely; were it not improper and absurd in this Case for him to tell the King that he did not intend to make any Claim or Title to his Majesties Manors, which is not questioned? Doubtless it were. This Case rightly applyed, will fit our purpose well, and notably explain the nature of our Petition.

“Why should we speak of leaving entire the *Kings Sovereign Power*, whereon we incroach not, while we onely seek to recover our own Liberties and Priviledges, which have been seised upon by some of the Kings Ministers? If our Petition did trench actually upon his Majesties Prerogative, would our saying that we intended it not, make the thing otherwise then the truth?

“My Lords, there needeth no Protestation or Declaration to the contrary of that which we have not done; and to put in such a Clause, cannot argue less then a fear in us, as if we had invaded it; which we hold sacred, and are assured that we have not touched either in our words, or in our intentions. And touching your Lordships observation upon the word (*Leave*) if it be not a proper word to give any new thing to the King, sure we are, it is a word as dangerous in another sense; for it may amount without all question, to acknowledge an old Right of *Sovereign Power* in his Majesty, above these Laws and Statutes whereon onely our Liberties are founded; a Doctrine which we most humbly crave your Lordships leaves freely to protest against. And for your Lordships proferring that some *Saving* should be requisite for preservation of his Majesties *Sovereign Power*, in respect our Petition runneth in larger words then our Laws and Statutes whereon we ground it; what is this but a clear confession by your Lordships, that this Clause was intended by you to be that *Saving*? for other *Saving* then this, we finde not tendred by you: And if it be such a *Saving*, how can it stand with your Lordships other Arguments, that it should be of no other effect then our former expression to his Majesty by the mouth of our Speaker? But I will not insist upon Collections of this kinde; I will onely shew you the Reasons of
“the

A “the Commons, why this Petition needeth no such Saving, albeit the
“words of these Statutes be exceeded in the declaratory part of our Petiti-
“on: Those things that are within the equity, and true meaning of a Sta-
“tute, are as good Laws as those which are contained in the express Letter,
“and therefore the Statutes of the 42 Edw. 3. 6 H. 3. Rot. Par. N. 12. and
“other the Statutes made in this time of King Edw. 3. for the Explanation
“of *Magna Charta*, which hath been so often vouched this Parliament,
“though they differ in words from *Magna Charta*, had no *Saving* annexed
“to any of them, because they enacted nothing more then was contained in
“effect: In that good Law under the words, *per legale iudicium parium*
“*suorum, aut per legem terre*, which by these latter Laws are expounded to
“import, that none should be put to answer without presentment, or mat-
“ter of Record, or by due Process or writ Original, and if otherwise, it
“should be void and holden for error.

B “It hath not been yet shewen unto us from your Lordships, that we have
“in any of our Expressions or Applications strained or misapplied any of the
“Laws or Statutes whereon we do insist, and we are very confident and
“well assured, that no such mistaking can be assigned in any point of our
“Petition now under question: if therefore it do not exceed the true sense
“and construction of *Magna Charta* in the subsequent Laws of Explanation
“whereon it is grounded, what reason is there to adde a *Saving* to this Peti-
“tion more then to those Laws? since we desire to transmit the fruits of these
“our labors to posterity, not onely for the justification of our selves in right
C “of our present and their future Liberties, but also for a brave expression
“and perpetual testimony of that Grace and Justice, which we assure our
“selves we shall receive in his Majesties speedy and clear Answer. This is
“the thing we seek for, and this the thing we hoped for, and this the thing
“onely will settle such an unity and confidence betwixt his Majesty and us,
“and raise such a cheerfulness in the hearts of all his loving Subjects, as will
“make us proceed unanimously and with all expedition to supply him for
D “his great occasions in such measure, and in such way, as may make him
“safe at home, and feared abroad.

Sir Henry Martin took up the Argument, and proceeded as to the rational part thereof.

E “IT is necessary to state the question rightly, and to set down the true dif-
“ference between your Lordships, and us. Now indeed there is no difference
“or question between your Lordships and us, concerning this additional
“Clause in the nature and quality of a Proposition; For so considered, we
“say it is most true, and to be received and embraced by us, *in toto & qua-*
“*libet parte & qualibet syllaba*, yea, and were that the question, we should
“adde to the Addition, and in stead of due regard say we have had, have,
“and ever will have a special and singular regard, where to leave entire
“Sovereign Power: but this were to intimate, as if we had first cropt it,
“and then left it; but our regard was to acknowledge and confess it sincere-
F “ly, and to maintain it constantly, even to the hazard of our Goods and
“Lives, if need be.

“To which purpose your Lordships may be pleased to remember that
“strict Oath every Member of our House hath taken this very Session, in
“these words, *I (A. B.) do utterly testify and declare in my conscience, That*
“*the Kings Highness is the Supreme or Sovereign Governor of this Realm in all*

Sir Henry
Martins
Speech, as to
the rational
part of
the matter
of the Con-
ference.

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" Causes, &c. and to my utmost Power will assist and defend all jurisdictions, Priviledges, Prebeminencies and Authorities, granted or belonging to the Kings Highness, or united or annexed to the Imperial Crown of this Realm, &c.

" So that your Lordships need not to borrow from our Protestations any Exhortations to us to entertain a Writing in assistance of the Kings Sovereign Power, since we stand obliged by the most sacred Bond of a solemn Oath, to assist and defend the same, if cause and occasion so required: So that the onely question between your Lordships and us, is, whether this Clause should be added to our Petition, and received into it as part thereof, which to do your Lordships reasons have not perswaded us, because so to admit it were to overthrow the fabrick and substance of our Petition of Right, and to annihilate the Right pretended by us and the Petition it self in effect: For these words being added to our Petition (*viz.*) we humbly present this Petition, &c. with due regard to leave entire your Sovereign Power, &c. do include manifestly an Exception to our Petition, and an Exception being of the nature of the thing whereunto it is an Exception, *Exceptio est de regula*, must of necessity destroy the Rule or Petition, so far as to the case excepted: *Exceptio firmat regulam in casibus non exceptis, in casibus exceptis destruit regulam*: Then this Construction followeth upon our Petition thus enlarged, that after we have petitioned that no freeman should be compelled by imprisonment, to lend or contribute money to his Majesty without his assent in Parliament, nor receive against his will Soldiers into his house, or undergo a Commission of Marshal Law for Life or Member in time of Peace, we should adde, Except his Majesty be pleased to require our monies, and imprison us for not lending, and send Soldiers into our houses, and execute us by Marshal Law in time of Peace, by vertue of his Sovereign Power: which construction, as it followeth necessarily upon this enlargement, so it concludeth against our right in the Premises, and utterly frustrateth all our Petition; neither may it seem strange, if this Clause additional (which of it self in quality of a Proposition we confesse) being added to our Petition (which also is true) should overthrow the very frame and fabrick of it, seeing the Logicians take knowledge of such a Fallacy called by them, *Fallacia a bene divisis ad male conjuncta*. Horace the Poet giveth an instance to this purpose, in a Painter, who when he had painted the Head of a man according to Art, would then joyn to it the neck of a Horse, and so make the one and the other; whereas each by it self might have been a piece of right good workmanship.

" The second branch of my Lord Keepers relation part, was enforced out of the last words of this addition, by which his Lordship said that they did not leave intire all Sovereign Power, but that wherewith his Majesty is trusted for the Protection, Safety and Happiness of the People; as if his Lordship would infer, that Sovereign Power wherewith &c. in this place to be *Terminus diminuentem*, a Term of diminution or qualification, and in that consideration might induce us to accept it. But under his Lordships correction, we cannot so interpret it: For first, we are assured that there is no Sovereign Power wherewith his Majesty is trusted, either by God or man, but onely that which is for the Protection, Safety and Happiness of his people; and therefore that limitation can make no impression upon us: but we conceive it rather in this place to have the force *Termini adaugentis*, to be a Term of important advantage, against our Petition, a Term of restriction, and that wheresoever his Majesties Sovereign Power should be exercised upon us, in all and every the particulars mentioned in the Petition

"tition, we should without further enquiry submit thereunto, as assuming
 "and taking it *pro concessio*, it induced to our Safety and Happiness, &c.
 "Since therefore (as the Petition is now conceived) it carrieth the form and
 "face of a Picture, which representeth to the life the pressures and grie-
 "vances of the people, with the easie remedies; And therefore we hope
 "that his Majestie casting upon it a gracious eye, will compassionate his
 "poor Loyal Subjects, and afford a comfortable answer.

A "I do humbly pray your Lordships not to mar or blemish the grace and
 "face of this Picture with this unnecessary addition; and unnecessary I prove it
 "to be, according to that Rule, *Expressio ejus quod tacite inest nihil operatur*.
 "And Sovereign Power, in cases where it hath place, and ought to be used,
 "is always necessarily understood, and though not expressed, yet supplied
 "by reasonable intendment, or by the opinion of all Learned men.

"And therefore, as it neither is nor can be by us expressly included, espe-
 "cially in this Petition, where the addition thereof would make such a con-
 "fusion of the whole sense and substance.

B "The Kings Sovereign Power and Prerogative is always able to save it
 "self, and if it were not, we must without this addition save it to our ut-
 "most powers, if we will save our Oath, and save our selves; the true state
 "of the cause thus standing between your Lordships and us, the House of
 "Commons doth not a little marvel upon what grounds your Lordships are
 "so earnest to urge upon them this addition to be inserted into their Peti-
 "tion, they nothing doubt but that the same proceeded out of a sollicitude
 "and fear which your Lordships have, lest otherwise the simple and abso-
 C "lute passage of this Petition might be construed hereafter in prejudice of
 "his Majesties Sovereign Power: And this your Lordships sollicitude and
 "fear proceedeth from your love, as the Poet saith,

Res est solliciti plena timoris Amor.

"But I humbly pray your Lordships to examine with us, the grounds of this
 "your sollicitude and fear, which grounds needs must be laid either upon the
 "words of the Petition, or the intention of the Petitioners.

D "Upon the words there is no possibility to lay them, for therein is no
 "mention made of the Sovereign Power; and were the words doubtful,
 "as thus, We pray the like things be nor done hereafter under pretext of
 "your Majesties Sovereign Power; yet in respect of the Protestations pre-
 "ceding, concomitant and subsequent to the Petition, such doubtful
 "words ought reasonably to be interpreted onely of such Sovereign Power
 "as was not applicable to the Cases wherein it was exercised; and of such So-
 "vereign Power as should be justly practised: but there are no such doubt-
 E "ful words, and therefore it followeth, that your Lordships fear and sollici-
 "tude must be grounded upon the intention of the Petitioners. Now your
 "Lordships well know, that the House of Commons is not ignorant, that
 "in a Session of Parliament, though it continue as many weeks as this
 "hath done days, yet there is nothing *Prins & Posterius*, but all things are
 "held and taken as done at one time; if so, what a strange Collection was
 "this, that at the same time the House of Commons should oblige them-
 "selves by a fearful adjuration to assist and defend all Priviledges and Pre-
 F "rogatives belonging to the King, and at the same time by a Petition (cau-
 "tiously conveyed) endeavor or intend to divest and deprive the King of
 "some Prerogatives belonging to his Crown. If therefore such fear and sol-
 "licitude can neither be grounded upon the words of the Petition, nor inten-
 "tion of the Petitioners, I humbly pray your Lordships to lay them aside;

E e e e

"as

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“ as we do believe that the Proposition of this addition from your Lordships, was not onely excuseable, but commendable, as proceeding from your love : So now having heard our Reasons, your Lordships would rest satisfied, that our refusal to admit them into our Petition, proceedeth from the conscience of the integrity and uprightness of our own hearts, that we in all this Petition have no such end to abate or diminish the Kings just Prerogative. And so much in reply to that Rational part whereby my Lord Keeper laboured to perswade the entertainment of this Addition.

“ This being done, it pleased the House of Commons to instruct and furnish me with certain Reasons which I should use to your Lordships, to procure your absolute conjunction with us in presenting this Petition, which albeit I cannot set forth according to their worth, and the Instructions given me by the House, yet I hope their own weight will so press down into your Lordships consciences and judgements, that without further scruple you will cheerfully vouchsafe to accompany this Petition with your right noble presence.

“ *A personis.* The first Argument wherewith I was commanded to move your Lordships, was drawn from the consideration of the Persons which are Petitioners, The *House of Commons*; a House whose temper, mildness and moderation in this Parliament hath been such, as we should be unthankful and injurious to Almighty God, if we should not acknowledge his good hand upon us, upon our tongues, upon our hearts, procured, no doubt, by our late solemn and publique Humiliation and Prayers.

“ This moderation will the better appear, if in the first place we may be remembred in what passion and distemper many Members of this House arrived thither, what bosoms, what pockets full of complaints and lamentable grievances the most part brought thither, and those every day renewed by Letters and Packets from all parts and quarters: You know the old Proverb, *Ubi dolor ibi digitus, ubi amor ibi oculus*, it is hard to keep our fingers from often handling the Parts ill affected, but yet our Moderation overcame our Passion, our Discretion overcame our Affection.

“ This Moderation also will the better appear, if in the second place it be not forgotten how our Ancestors and Predecessors carried themselves in Parliaments, when upon lighter provocations less would not serve their turns, but new severe commissions to hear and determine offences against their Liberties, publique ecclesiastical Curses, or excommunications against the Authors or Actors of such violations, accusations, condemnations, executions, banishments. But what have we said all this Parliament? we onely look forward, not backward: we desire amendment hereafter, no mans punishment for ought done heretofore; nothing written by us in blood, nay, not one word spoken against any mans person in displeasure. The conclusion of our Petition is, that we may be better intreated in time to come: and doth not this moderate Petition deserve your Lordships cheerful conjunction *ex congruo & condigno*? If a Worm being trodden upon, could speak, a Worm would say, tread upon me no more I pray you: higher we rise not, lower we cannot descend, and thus much we think in modesty may well be spoken in our own commendation, thence to move your Lordships to vouchsafe us your noble company in this Petition, without surcharging it with this Addition.

“ *A tempore.* Our next Argument is drawn *a tempore*, from the unseasonableness of the time. The wise Man saith, There is a time for all things under the Sun, *tempus suum*, and if in the wise mans judgement, a word

“ spoken

“spoken in its due time be precious as Gold and Silver, then an unseasonable time detracts as much from the thing, or word, done, or spoken: We hold (under your favors) that the time is not seasonable now for this Addition; it is true that of it self Sovereign Power is a thing always so Sacred, that to handle it otherwise then tenderly, is a kind of Sacrilege, and to speak of it otherwise then reverently, is a kind of blasphemy; but every vulgar capacity is not so affected, the most part of men, nay, almost all men judge and esteem all things not according to their own intrinsic vertue and quality, but according to their immediate effects and operations, which the same things have upon them: Hence it is, that Religion it self receiveth more or less credit or approbation, as the Teachers or Professors are worse or better; yea, if God himself send a very wet harvest or seed-time, men are apt enough to censure Divine Power: The Sovereign Power hath not now, for the present, the ancient amiable aspect, in respect of some late sad influences, but by Gods Grace it will soon recover.

To intermix with this Petition any mention of Sovereign Power, *rebus sic stantibus*, when angry men say Sovereign Power hath been abused, and the most moderate wish it had not been so used, we hold it not seasonable, under your Lordships correction.

A loco. Our next Argument is drawn *a loco*: we think the place where your Lordships would have this Addition inserted (*viz.*) in the Petition, no convenient or seasonable place; your Lordships will easily believe, that this Petition will run through many hands, every man will be desirous to see and to read, what their Knights and their Burgesies have done in Parliament upon their complaints, what they have brought home for their five Subsidies; If in perusing of this Petition they fall upon the mention of Sovereign Power, they presently fall to arguing and reasoning, and decanting, what Sovereign Power is, what is the Latitude, whence the Original, and where the bounds? with many such curious and captious questions; by which course Sovereign Power is little advanced or advantaged; for I have ever been of opinion, that it is then best with Sovereign Power when it is had in *tacite veneration*, not when it is profaned by publique hearings or examinations.

Our last Argument is drawn from our *Duty* and *Loyalty* to his Majesty, in consideration whereof we are fearful at this time to take this Addition into our Petition, lest we should do his Majesty herein some disservice: with your Lordships we make the great Council of the King and Kingdom; and though your Lordships having the happiness to be near his Majesty, know other things better, yet certainly the state and condition of the several parts for which we serve, their dispositions and inclinations, their apprehensions, their fears and jealousies, are best known unto us: and here I pray your Lordships to give me leave to use the Figure called *Reticentia*, that is, to insinuate and intimate more then I mean to speak: Our chief and principal end in this Parliament, is to make up all Rents and Breaches between the King and his Subjects, to draw them and knit them together, from that distance whereof the world abroad takes too much notice, to work a perfect union and reconciliation: how improperly and unapt at this time this Addition will be in respect of this end, we cannot but foresee, and therefore shun it, and do resolve, that it is neither agreeable to the Persons of such Counsellors, of whom we are, nor answerable to that Love and Duty which we owe to his Majesty, to hazard an end of such unspeakable consequence, upon the admittance of this Addition

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tion into our Petition, whereof (as we have shewed) the omission at this time can by no means harm the Kings Prerogative, the expression may produce manifold inconveniences: and therefore since the admittance of your Lordships Addition into our Petition, is incoherent and incompatible with the body of the same; since there is no necessary use of it for the saving of the Kings Prerogative; since the moderation of our Petition deserveth your Lordships cheerful conjunction with us; since this Addition is unreasonable for the time, and inconvenient in respect of the place where your Lordships would have it inserted; and lastly may prove a disservice to his Majesty: I conclude with a most affectionate Prayer to your Lordships, to conclude with the House of Commons, in presenting this Petition to his Sacred Majesty, as it is, without this Addition.

Monday 26. of May, *The Lord Keeper made this Speech at a Conference.*

Gentlemen,

The Lords and Commons agreed touching the Petition of Right.

YE that are Knights, Citizens, and Burgeesses of the House of Commons, I have many times this Parliament by Command from my Lords, declared the great zeal and affection which my Lords have to maintain and nourish the good Concurrence and Correspondency which hath hitherto continued between both Houses, that there might be a happy issue in this great business, for the common good of the King and Kingdom. Now that which I have to say this day from my Lords, is to let you, know this fair proceeding is not a profession of words onely, but really and indeed concerning the Petition which hath been long in agitation, as the weight of the cause required: since the last Conference my Lords have taken it into their serious and instant consideration, and at length are fallen upon a Resolution which I am to acquaint you with.

The Lords have unanimously agreed with you *in omnibus*, and have voted that they will joyn with you in your Petition, with the onely alterations of the word (*means*) to be put in stead of the word (*pretext*) and for the word (*unlawful*) to be put out, and in place thereof to adde (*not warrantable* by the Laws and Statutes of the Realm) which two alterations your selves consented unto.

So that concerning this business there remains nothing now, but that ye having the Petition in your hands will (if ye have not already) vote it as they have done, and so prepare it for his Majesty, and my Lords will take order, that the King be moved for a speedy access to present the same to his Majesty.

And after some pause he said, "There rests one thing which my Lords have commanded me to adde, that in regard this Petition toucheth upon certain Charges raised by the Lords Lieutenants, and other Persons, many times for good use, for the service and safety of the Kingdom, That ye take it into your Care and Consideration, and to provide a Law for assessing of such Charges, as the occasion of the time shall require.

The Lords and Commons being thus happily accorded, the Petition, with the aforesaid amendments, was read in the House two several times together: Then it was Voted upon question, and that it should be ingrossed, and read the third time, and the House to sit in the afternoon till it was ingrossed, and read, and ordered to be presented to the King, to which there

was

was not a negative Vote: And the Bill of Subsidie was also read the second time, and committed.

4 Caroli

Wednesday 28 May, the Lords and Commons had a Conference about the maner of delivery of the Petition, and Sir Edward Cook reported, That their Lordships were agreed that no Addition or Preface be used to the King, but that the Petition be preferred to his Majesty by command of the Lords and Commons, and his Majesty be desired, that to the content of his People he would be pleased to give his gracious Answer in full Parliament.

About this time Mr. Rouse brought in a Charge against Doctor Ed. Manwaring, which some days after was seconded with a Declaration.

Mr. Speaker,

I Am to deliver from the Committee a Charge against Mr. Manwaring, a Preacher in Divinity; but a man so Criminous, that he hath turned his Titles into Accusations, for the better they are, the worse is he that dishonors them.

Mr. Rouse
against Dr.
Ed. Manwaring,

Here is a great Charge that lies upon him, it is great in it self, and great because it hath many great Charges in it; Serpens qui serpentem devorat fit draco, his Charge having digested many Charges into it, becomes a Monster of Charges.

The main and great one is this Plot and Practise, to alter and subvert the Frame and Fabrick of this Estate and Commonwealth.

This is the great one, and it hath others in it that gives it more light. To this end,

1. He labors to infuse into the Conscience of his Majesty, the perswasion of a power not bounding it self with Laws, which King James, of famous Memory, calls in his Speech to the Parliament, Tyranny, yea, Tyranny accompanied with Perjury.

2. He endeavors to perswade the Conscience of the Subjects, that they are bound to obey Commands illegal, yea he damns them for not obeying them.

3. He robs the Subjects of the propriety of their Goods.

4. He brands them that will not lose this propriety with most scandalous Speeches and odious Titles, to make them both hateful to Prince and People; so to set a division between the Head and the Members, and between the Members themselves.

5. To the same end not much unlike to Faux and his fellows, he seeks to blow up Parliaments and Parliamentary Powers.

"The fifth being duly viewed, will appear to be so many Charges, and they make up all the great and main Charge, a mischievous Plot to alter and subvert the frame and government of this State and Commonwealth.

"And now though you may be sure, that Mr. Manwaring leaves us no propriety in our Goods, yet he hath an absolute propriety in this Charge, here himself making up his own Charge. Here he read several Passages out of his Book, and then proceeded and said, "You have heard his Charge made up by his own words, and withall I doubt not but you seem to hear the voice of that wicked one (*Quid dabitur?*) what will you give me, and I will betray this State, Kingdom, and Commonwealth?

"But there are two Observations (I might adde a third, which is like un-

"to

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"to a *threefold Cord, which cannot be easily broken*) will draw the Charge more violently upon him.

"The first is of the Time when this Doctrine of destruction was set forth; it was Preached in the heart of the Loan, and it was Printed in the beginning of that Term which ended in a *Remittitur*: So that you might guess there might be a double Plot, by the Law and Conscience, to set on fire the frame and estate of this Commonwealth: And one of these intailed Foxes was Mr. *Manwaring*.

"Another note may be taken of the time, that is, the unseasonableness of it; for this Doctrine of the Loan (in case of necessity) was the year after an assent in Parliament to four Subsidies and three Fifteens, which might serve for a sufficient stopple for the Doctors mouth, to keep in his Doctrine of Necessity.

"A second observation may be of the Means by which he seeks to destroy this Commonwealth; his means are Divinity, yea by his Divinity he would destroy both King and Kingdom.

"The King: for there can be no greater mischief to a Prince, then to put the opinion of Deity into his ears; for if from his ears it should have passed to his heart, it had been mortal: You know how *Herod* perished. Now this man gives a participation of Divine Omnipotence to Kings, and though a part may seem to qualifie, yet all doth seem again to fill up that qualification, and very dangerously, if we remember that God saith of himself, *I am a jealous God*.

"He goes about to destroy the Kingdom and Commonwealth by his Divinity; but do we finde in Scripture such a destroying Divinity? Surely I finde there, that *God is a God of order, and not of confusion*: and that *the Son of God came to save, and not to destroy*. By which it seems he hath not his Divinity from God, nor from the Son of God: And that we may be sure he went to Hell for Divinity, he names sundry Jesuits and Fryers, with whom he consulted and traded for his Divinity. But not to belie Hell it self, the Jesuits are honeste then he: for if he had not brought more hell unto them then he found with them, he had not found this Divinity in them which he hath brought forth; yea in his quotations he hath used those shifts and fallshoods for which Boyes are to be whipt in Schools, and yet by them he thinks to carry the Cause of a Kingdom.

"But for a conclusion, to give the true Character of this man whom I never saw, I will shew it you by one whom I know to be contrary to him: *Samuel* we know all to be a true Prophet; now we read of *Samuel*, that *he writ the Law of the Kingdom in a Book, and laid it up before the Lord*. And this he did, as one of Mr. *Manwarings* own Authors affirms, that the King may know what to command, and the People what to obey; But Mr. *Manwaring* finding the Law of this Kingdom written in Books, tears it in pieces, and that in the presence of the Lord in a Pulpit, that the King may not know what to command, nor the People what to obey.

"Thus Mr. *Manwaring* being contrary to a true Prophet, must needs be a false one, and the Judgement of a false Prophet belongs to him.

"I have shewed you an evil Tree, that bringeth forth evil fruit; and now it rests with you to determine whether the following sentence shall follow, *Cut it down, and cast it into the fire*.

About this time the Mayor of *Plimouth* certified to the Burgesses serving for that Town in Parliament, the Examination of *Le Brun* a Frenchman, Captain of the *Mary of Kitchel*, taken the 16 of May 1628.

Viz. The

viz. The Examinee saith, That on Sunday being the 17 of *April* last past, he departed from *Plimouth* Harbor in company with the English Fleet, whereof the Earl of *Denbigh* is General: and on the first day of *May*, then following, the said Fleet arrived and came at Anchor at *Charlebo* in the Rode of *Rotchel* about four of the Clock in the afternoon; where at the said arrival they found twenty sail of the King of *France* his Ships, whereof six were Ships of about 300 Tuns, and the rest were small Ships, and forthwith the said French Ships put themselves to sail, and went in nearer to the fortifications, where they also anchored within two Canon shot of the English Fleet, and saith, That one of his Majesties Ships shot off one piece of Ordinance, and no more; and that the said French Ships, as they returned from the English Fleet, shot off oftentimes to them, and that the same Fleet remained there until the eighth day of the said moneth of *May*, in which time there was a Wherry sent from the Fleet into *Rotchel*, wherein there were two English and one Frenchman, to inquire the state of the said Town; and that if they were there safe arrived, they should make a fire upon one of the Towers of the Town to give notice thereof, which accordingly they did, and also to make so many fires more on the Walls of the said Town, as they have moneths victuals there; but they made not any answer thereof, whence it was collected, that they had but a small quantity of victuals, and said, That the said English, as he hath heard, promised to sink the said French Ships, when the waters did increase; and the wind came at West-north-west, it being then Neap-tides, and about two days after the waters did increase, and the winds came accordingly: and being then intreated to fight with them, yet did not, but came away without fighting or relieving the Town, and saith, That on the eighth day of *May* the said English Fleet weighed Anchor, and set sail to depart; and four of the French great Ships weighed Anchor also, and came after them, and shot divers times at the said Fleet, and the said Fleet shot at them again, and the said Examinee came in company with the said Fleet as far as *Bell Isle*, where he departed from them on the tenth of this instant; and lastly D saith, That during all the time the English Fleet was there, the Town of *Rotchel* shot to the King of *France* his Ships and Fort, but chiefly upon the arrival of the said Fleet there.

This Examination being communicated to the Council Table, it procured this ensuing Letter from the Privy Council to the Duke, dated the 30 of *May*, 1628. *viz.*

E **V** Hereas it is his Majesties pleasure, that the Earl of *Denbigh* shall return back to relieve the Town of *Rotchel*, with the Fleet under his Charge: We do therefore pray your Grace, to signifie this his Majesties pleasure unto the said Earl, and to give him special Charge and Direction so soon as the said Fleet, or the greatest thereof shall be reassembled and joyned together; then presently with the first opportunity of wind, taking into his Charge also the Ships stayed and prepared at *Portsmouth* and *Plimouth*, together with such fire Ships and other Vessels, as shall be provided for this expedition, to return to *Rotchel* with all possible diligence, and do his best endeavor to relieve the same; Letting F his Lordship know that order is taken for the victualling of the Fleet by Petty warrant, so long as it remaineth in Harbor, for the sparing and lengthening of the Sea victuals; And if it so fall out, that the Earl of *Denbigh* do set forward on his voyage towards *Rotchel*, before the whole Fleet shall be joyned with him, we pray your Grace to give him such Direction, that he may leave order that the Ships which are behind shall follow him with all speed.

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Monday 2 June.

The King came to the Parliament, and spake thus in brief to both Houses.

Gentlemen,

"I Am come hither to perform my duty, I think no man can think it long,
"since I have not taken so many days in answering the Petition, as ye
"spent weeks in framing it: And I am come hither to shew you, that as well
"in formal things as in essential, I desire to give you as much content as in
"me lies.

After this the Lord Keeper spake as followeth.

"MY Lords, and ye the Knights, Citizens and Burgeses of the House
"of Commons, his Majesty hath commanded me to say unto you,
"That he takes it in good part, that in consideration of settling your own
"Liberties, ye have generally professed in both Houses, that ye have no
"intention for to lessen or diminish his Majesties Prerogative; wherein as ye
"have cleared your own intentions, so now his Majesty comes to clear his,
"and to subscribe a firm League with his People, which is ever likely to be
"most constant and perpetual, when the Conditions are equal, and known
"to be so: These cannot be in a more happy estate then when your Liber-
"ties shall be an ornament and a strength to his Majesties Prerogative, and
"his Prerogative a defence of your Liberties; in which his Majesty doubts
"not but both he and you shall take a mutual comfort hereafter; and for
"his part he is resolved to give an example in the using of his power for
"the preservation of your Liberties, that hereafter ye shall have no cause
"to complain. This is the sum of that which I am to say to you from his
"Majesty: And that which further remains is, That you hear read your
"own Petition, and his Majesties gracious Answer.

The Petition Exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the Kings Majesties Royal Answer thereunto in full Parliament.

To the Kings most Excellent Majesty.

Humbly shew unto our Sovereign Lord the King, the Lords Spi-
ritual and Temporal, and Commons in Parliament assembled,
That whereas it is Declared and Enacted by a Statute made in the
time of the Reign of King Edward the first, commonly called, Statutum
de Tallagio non concedendo, That no Tallage or aide shall be laid or le-
vied by the King or his Heirs in this Realm, without the good will
and assent of the Archbishops, Bishops, Earls, Barons, Knights,
Burgeses, and other the freemen of the Commonalty of this
Realm: And by Authority of Parliament holden in the five and twen-
tieth year of the Reign of King Edward the third, it is Declared and
Enacted, That from thenceforth no person should be compelled to
make any Loans to the King against his will, because such Loans
were against Reason, and the Franchise of the Land; and by other
Laws of this Realm it is provided, That none should be charged by
any Charge or Imposition, called a Benevolence, nor by such like
Charge

Charge, by which the Statutes before mentioned, and other the good Laws and Statutes of this Realm, your Subjects have inherited this freedom, That they should not be compelled to contribute to any Tax, Tollage, Aid, or other like Charge, not set by common consent in Parliament.

A' Yet nevertheless, of late divers Commissions directed to sundry Commissioners in several Counties with instructions have issued, by means whereof your People have been in divers places assembled, and required to lend certain sums of Money unto your Majesty, and many of them upon their refusal so to do, have had an Oath administered unto them, not warrantable by the Laws or Statutes of this Realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council, and in other places, and others of them have been therefore Imprisoned, Confined, and sundry other ways molested and disquieted: And divers other charges have been layed and levied upon your People in several Counties, by Lords, Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others by command or direction from your Majesty or your Privy Council, against the Laws and free Customs of the Realm.

B And where also by the Statute called, The great Charter of the Liberties of England, It is declared and enacted, That no freeman may be taken or imprisoned or be disseised of his freeholds or Liberties, or his free Customs, or be Outlawed or Exiled, or in any manner destroyed, but by the lawful Judgement of his Peers, or by the Law of the Land.

C And in the eight and twentieth year of the reign of King Edward the third, it was declared and enacted by Authority of Parliament, That no man of what Estate or condition that he be, should be put out of his Land or Tenements, nor taken, nor imprisoned, nor disseised, nor put to death, without being brought to answer by due process of Law.

D Nevertheless, against the tenor of the said Statutes, and other the good Laws & Statutes of your Realm, to that end provided, divers of your Subjects have of late been imprisoned without any cause shewed, and when for their deliverance they were brought before your Justices, by your Majesties Writs of Habeas Corpus, there to undergo and receive as the Court should order, and their Keepers commanded to certify the Causes of their detainer; no cause was certified, but that they were detained by your Majesties special Command, signified by the Lords of your Privy Council, and yet were returned back to several Prisons, without being charged with any thing to which they might make answer according to the Law.

E And whereas of late great companies of Soldiers and Mariners, have been dispersed into divers Counties of the Realm, and the Inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the Laws and Customs of this Realm, and to the great grievance and vexation of the people.

F And whereas also by Authority of Parliament, in the 25 year of the reign of King Edward the third, it is declared and enacted, That no man shall be forejudged of life or limb against the form of the great Charter, and the Law of the Land: And by the said great Charter and other the Laws and Statutes of this your Realm, no man ought to be adjudged to death, but by the Laws established in this your Realm, either by the Customs of the same Realm, or by Acts of Parliament: And whereas no offender of what kinde soever is exempted from the proceedings to be used, and punishments to be inflicted by the Laws and Statutes of this your Realm; Nevertheless of late divers Commissions under your Majesties great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with Power and Authority to proceed within the

9. Hen. 3. 29.

28. Ed. 3. 3.

37. Ed. 3. 18.
38. Ed. 3. 9.
42. Ed. 3. 3.
17. Ric. 2. 6.

25. Ed. 3. 9.

9. Hen. 3. 29.
25. Ed. 3. 4.
28 Ed. 3. 3.

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Land, according to the Justice of Martial Law, against such Soldiers and Mariners, or other dissolute persons joyning with them, as should commit any Murther, Robbery, Felony, Mutiny, or other Outrage or Misdemeanor whatsoever, and by such summary Course and Order, as is agreeable to Martial Law, and is used in Armies in time of War, to proceed to the tryal and condemnation of such offenders, and them to cause to be executed and put to death, according to the Law Martial.

By pretext whereof, some of your Majesties Subjects have been by some of the said Commissioners put to death, when and where, if by the Laws and Statutes of the Land they had deserved death, by the same Laws and Statutes also they might, and by no other ought to have been adjudged and executed.

And also sundry grievous offenders by colour thereof, claiming an exemption have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers, and Ministers of Justice have unjustly refused, or forborn to proceed against such offenders according to the same Laws and Statutes, upon pretence, that the said offenders were punishable onely by Martial Law, and by Authority of such Commissions as aforesaid, which Commissions, and all other of like nature, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

The Petition

They do therefore humbly pray your most Excellent Majesty, That no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common consent by Act of Parliament; and that none be called to make answer, or take such Oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: And that no Freeman, in any such manner as is before mentioned, be imprisoned or detained: And that your Majesty will be pleased to remove the said Soldiers and Mariners, and that your People may not be so burthened in time to come: And that the foresaid Commissions for proceeding by Martial Law, may be revoked and annulled; and that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesties Subjects be destroyed or put to death, contrary to the Laws and Franchise of the Land.

All which they most humbly pray of your most Excellent Majesty, as their Rights and Liberties according to the Laws and Statutes of this Realm: And that your Majesty would also vouchsafe to declare, That the awards, doings, and proceedings to the prejudice of your People, in any of the Premises, shall not be drawn hereafter into Consequence or Example: And that your Majesty would be also graciously pleased, for the further comfort and safety of your People, to declare your royal Will and Pleasure, That in the things aforesaid all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they tender the Honor of your Majesty, and the prosperity of this Kingdom.

Which Petition being read, the 2 of June 2628. The Kings Answer was thus delivered unto it.

The King willeth that Right be done according to the Laws and Customs of the Realm; And that the Statutes be put in due execution, that his Subjects may have no cause to complain of any wrong or oppressions, contrary to their just Rights and Liberties, to the preservation whereof, he holds himself in Conscience as well obliged, as of his Prerogative.

The Answer debated.

On Tuesday June 3. the King's Answer was read in the House of Commons; and seemed too scant, in regard of so much expence of time and labour

as had been imployed in contriving the petition: Whereupon Sir *John Elliot* stood up and made a long Speech, wherein he gave forth so full and lively representation of all Grievances, both general and particular, as if they had never before been mentioned.

Sir Jo. Elliots Speech in the laying open of grievances.

A "HE reduced the Cause of all our evils to Five heads: Our insincerity and doubling in Religion, which he exemplified by the freedome and increase of Papiests; by the composition with them in the North; the slighthness of those payments, and the easiness in them; by the hopes, presumptions, and reports of all the Papiests generally; by the disposition of Commanders, the trust of Officers, the confidence of secrecies of employments in this Kingdom, in *Ireland*, and elsewhere.

B "2. Our want of Council, which sacrificed our honour and our men sent to the Palatinate, stopping those greater supplies appointed for that Service, by which it might have been made defensible; this gave direction to that late expedition to *Ree*, whose wounds are yet bleeding, by means whereof the Protestants of *France*, and their King by a necessary consequence are divided, and that Countrey so prepared against us, that we have nothing to promise our neighbours, hardly for our selves, insomuch as by the issue and success it may rather be thought a conception of *Spain*, then begotten here by us.

C "3. The insufficiency and unfaithfulness of our Generals: Witness first the expedition to *Cales*, where we arrived and found a Conquest ready (*viz.*) the *Spanish* ships fit for the satisfaction of a voyage, either in point of honour, or in point of profit: why was it neglected? why was it not atchieved, it being granted on all hands feasible? when the whole Army landed, why was there nothing attempted? if nothing were intended, wherefore did they land? if there were a service, why were they shipt again? Witness secondly that to *Ree*, where the whole action was carried against the judgement and opinion of the Officers, (*viz.*) those that were of the Council; was not the first, was not the last, was not all, at land in the intrenching, in the continuance there, in the assault, in the retreat, without their assent? D "to say nothing of leaving the Wines and the Salt which were in our possession, and of a value, as they say, to answer much of our expence; nor of that wonder which no *Alexander* or *Cesar* ever did know, the enriching of an enemy by curtesies, when the Souldiers want help, nor of the private entercourtes and parlies with the Fort, which continually were held; what they intended, may be read in the success.

E "3. Witness the last voyage to *Rotchel*, which needs no observation, and is fresh in memory.

E "4. Head is the ignorance and corruption of our Ministers. Survey the Court, survey the Countrey, the Church, the City, the Bar, the Bench, the Courts, the Shipping, the Land, the Seas, all will yield variety of proofs: The Exchequer is empty, the reputation thereof gone, the ancient Lands are sold, the Jewels pawn'd, the Plate ingaged, the debt still great, almost all charges both extraordinary and ordinary by Projects.

F "5. The oppression of the Subject, it needs no demonstration, the whole Kingdom is a proof, and that oppression speaks the exhausting of our treasures, what waste of our Provisions, what consumption of our Ships, what destruction of our men have been? witness the voyage to *Algier*, witness that of *Mansfield*, witness that to *Cales*, witness the next, witness that to *Ree*; witness the last, witness the *Palatinate*, witness the *Turks*, witness the *Dunkirks*, witness all; we were never so much weakned, nor had less hopes how to be restored.

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" These Mr. Speaker are our dangers, these are they do threaten us, and
 " those are like that *Trojan Horse*, brought in cunningly to surprize us, in
 " these do lurk the strongest of our enemies ready to issue on us, and if we
 " do not now the more speedily expel them, these are the sign, the invitation
 " to others.

" These will prepare their entrance, that we shall have no means left of
 " refuge or defence; for if we have these enemies at home, how can we
 " strive with those that are abroad? if we be free from these, no other can im-
 " peach us: Our ancient English vertue, that old Spartan valor cleared from
 " these disorders, being in sincerity of Religion once made friends with Hea-
 " ven, having maturity of Councils, sufficiency of Generals, incorruption
 " of Officers; opulency in the King, Liberty in the People, repletion in
 " Treasures, restitution of Provisions, reparation of Ships, preservation
 " of Men :

" Our ancient English vertue thus rectified, I say, will secure us, and unless
 " there be a speedy reformation in these, I know not what hopes or expe-
 " ctations we may have.

" These things, Sir, I shall desire to have taken into consideration, that
 " as we are the great Council of the Kingdom, and have the apprehension
 " of these dangers, we may truly represent them unto the King, wherein I
 " conceive we are bound by a treble Obligation of duty unto God, of duty
 " to his Majesty, and of duty to our Countrey.

" And therefore I wish it may so stand with the Wisdom and Judgement
 " of the House, that they may be drawn into the body of a Remonstrance,
 " and therein all humbly expressed with a Prayer unto his Majesty for the
 " safety of himself, and for the safety of the Kingdom, and for the safety
 " of Religion: That he will be pleased to give us time to make perfect in-
 " quisition thereof, or to take them into his own Wisdom, and there give
 " them such timely reformation, as the necessity of the Cause and his Justice
 " doth import.

" And thus, Sir, with a large affection and loyalty to his Majesty, and with
 " a firm duty and service to my Countrey, I have suddenly, and it may be,
 " with some disorder expressed the weak apprehension I have, wherein if I
 " have erred, I humbly crave your pardon, and so submit to the censure of
 " the House.

Some against
the recapitulating of
Grievances,

IT seemed to others not futable to the wisdom of the House in that con-
 juncture, to begin to recapitulate those misfortunes which were now
 obvious to all, accounting it more discretion not to look back, but forward:
 and since the King was so near to meet him, that the happiness expected
 might not be lost: and these were for petitioning his Majesty for a fuller
 Answer.

Exceptions
to Sir John
Elliot's
Speech.

IT was intimated by Sir *Henry Martin*, that this Speech of Sir *John Elliot*
 was suggested from disaffection to his Majesty; and there wanted not
 some who said, it was made out of some distrust of his Majesties Answer to
 the Petition; but Sir *John Elliot* protested the contrary, and that himself
 and others had a resolution to open these last mentioned Grievances, to
 satisfie his Majesty therein, onely they stayed for an opportunity: Which
 averment of Sir *John Elliot* was attested by Sir *Thomas Wentworth*, and Sir
Robert Phillips.

Whilst

VHilst Sir *John Elliot* was speaking, an interruption was made by Sir *Humphrey May*, expressing a dislike; but he was commanded by the Commons to go on: and being afterward questioned for a Passage in that Speech, *viz.* That some actions seemed to be but conceptions of Spain, he explained himself, That in respect of the affairs of *Denmark*, the ingagement of that unfortunate accident of *Ree*, he conceived was a conception of *Spain*, rather then to have any motion from our Council here.

4 Caroli.

More exceptions.

Sir Edward Cook,

IN this Debate Sir *Edward Cook* propounded, That an humble Remonstrance be presented to his Majesty, touching the dangers and means of safety of King and Kingdom: which Resolution was taken by the House, and thereupon they turned themselves into a Grand Committee, and the Committee for the Bill of Subsidies was ordered to expedite the said Remonstrance.

A Message was brought from the King by the Speaker.

A Message from the King to the House of Commons, to end the Sessions,

THAT his Majesty having upon the Petition, exhibited by both Houses, given an Answer full of Justice and Grace, for which we and our posterity have just cause to bless his Majesty, it is now time to grow to a conclusion of a Session, and therefore his Majesty thinks fit to let you know, That as he doth resolve to abide by that Answer, without further change or alteration, so he will Royally and Really perform unto you what he hath thereby promised: and further, That he resolves to end this Session upon *Wednesday* the 11 of this Moneth, and therefore wisheth that the House will seriously attend these busineses, which may best bring the Session to a happy conclusion, without entertaining new matters, and so husband the time that his Majesty may with the more comfort bring us speedily together again: at which time, if there be any further Grievances not contained, or expressed in the Petition, they may be more maturely considered then the time will now permit.

After the reading of this Message, the House proceeded with a Declaration against Doctor *Manwaring*, which was the same day presented to the Lords at a Conference, betwixt the Committees of both Houses of Parliament: and Mr. *Pimm* was appointed by the House of Commons to manage that Conference.

The Declaration of the Commons against Dr. Manwaring, Clerke and Doctor in Divinity.

FOR the more effectual prevention of the apparent ruine and destruction of this Kingdom, which must necessarily ensue, if the good and fundamental Laws and Customs therein established, should be brought into contempt and violated, and that form of Government thereby altered, by which it hath been so long maintained in peace and happiness, and to the honor of our sovereign Lord the King, and for the preservation of his Crown and Dignity: The Commons in this present Parliament assembled, do by this their Bill shew, and declare against Roger Manwaring, Clerk, Dr. in Divinity, That whereas by the Laws and Statutes of this Realm, the free Subjects of England do

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do undoubtedly inherit this Right and Liberty, not to be compelled to contribute any Tax, Collage, Aid, or to make any Loans not set or imposed by common consent, by Act of Parliament. And divers of his Majesties loving Subjects relying upon the said Laws and Customs, did in all humility refuse to lend such sums of Moneys, without Authority of Parliament, as were lately required of them.

Nevertheless he the said Roger Manwaring in contempt, and contrary to the Laws of this Realm, hath lately preached in his Majesties presence two severall Sermons, That is to say, the fourth day of July last one of the said Sermons, and upon the 29. day of the same Month the other of the said Sermons, both which Sermons he hath since published in print in a Book intituled Religion and Allegiance, and with a wicked and malicious intention to seduce and misguide the Conscience of the Kings most excellent Majesty, touching the observation of the Laws and Customs of this Kingdom, and of the Rights and Liberties of the Subjects, to incense his Royal displeasure against his good Subjects so refusing, to scandalize, subvert and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alienate his Royal heart from his People, and to cause jealousies, sedition and division in the Kingdom. He the said Roger Manwaring doth in the said Sermons and Book perswade the Kings most excellent Majesty,

First, that his Majesty is not bound to keep and observe the good Laws and Customs of this Realm, concerning the Rights and Liberties of the Subjects aforesaid: And that his Royal Will and Command in imposing Loans, Taxes and other Aids upon his people without common consent in Parliament, doth so far binde the Consciences of the Subjects of this Kingdom, that they cannot refuse the same without peril of eternal damnation:

Secondly, that those of his Majesties loving Subjects which refused the Loan aforesaid in such manner, as is before recited, did therein offend against the Law of God, against his Majesties Supreme Authority, and by so doing became guilty of Impiety, Disloyalty, Rebellion and Disobedience, and liable to many other Taxes, and Censures, which he in the severall parts of his Book doth most falsely and maliciously lay upon them.

Thirdly, that authority of Parliaments is not necessary for the raising of Aids and Subsidies, that the slow proceedings of such Assemblies are not fit for the supply of the urgent necessities of the State, but rather apt to produce sundry impediments to the just designs of Princes, and to give them occasion of displeasure and discontent.

All which the Commons are ready to prove, not only by the general scope of the same Sermons and Book, but likewise by severall Clauses, Assertions, and Sentences therein contained; and that he the said Roger Manwaring by preaching and publishing the Sermons and Book aforesaid, did most unlawfully abuse his holy function, instituted by God in his Church for the guiding of the Consciences of all his Servants, and chiefly of Sovereign Princes and Magistrates, and for the maintenance of the peace and concord betwixt all men, especially betwixt the King and his People, and hath thereby most grievously offended against the Crown and Dignity of his Majesty, and against the Prosperity and good Government of this State and Commonwealth. And the said Commons by protestation saving to themselves the Liberty of exhibiting at any time hereafter any other occasion or impeachment against the said Roger Manwaring, and also of replying to the answers which he the said Roger shall make unto any of the matters contained in this present Bill of Complaint, and of offering further proof of the premises, or of any of them, as the Cause according to the Course of Parliament shall require, do pray that the said Roger Manwaring may be put to answer to all and every the premises, and that

such

such proceeding, examination, trial, judgement, and exemplary punishment may be thereupon had and executed, as is agreeable to Law and Justice.

4 Caroli.

*This Declaration ingrossed in Parliament being read,
Mr. Pym addressed himself to the Lords in this manner.*

A
B
C
“ **T**HAT he should speak to this Cause with more confidence, because he
“ saw nothing out of himself that might discourage him : If he consider-
“ ed the matter, the Offences were of an high nature, of easie proof ; if he
“ considered their Lordships, who were the Judges of their own interest,
“ their own honour, the example of their Ancestors, the care of their Poste-
“ rity, would all be Advocates with him in this Cause on the behalf of the
“ Commonwealth ; if he considered the King our Sovereign (the pretence
“ of whose Service and Prerogative might perchance be sought unto as a
“ Defence and Shelter for this Delinquent) he could not but remember that
“ part of his Majesties Answer to the Petition of Right of both Houses,
“ that he held himself bound in conscience to preserve those Liberties which
“ this man would perswade him to impeach : He said further, that he could
“ not but remember his Majesties love to Piety and Justice manifested
“ upon all occasions ; and he knew love to be the root, and spring of all
“ other passions and affections. A man therefore hates, because he sees some-
“ what in that which he hates contrary to that which he loves, a man there-
“ fore is angry, because he sees somewhat in that wherewith he is angry, that
“ gives impediment and interruption to the accomplishment of that which
“ he loves.

Mr. Pym's
Speech at
the delivery
of the charge
against Dr.
Manwaring.

D
“ If this be so, by the same act of his Apprehension, by which he be-
“ lieves his Majesties love to Piety and Justice, he must needs believe his
“ hate and detestation of this man, who went about to withdraw him from
“ the exercise of both.

Then he proceeded to that which he said was the Task enjoyned him,
“ to make good every Clause of that which had been read unto them: which
“ that he might the more clearly perform, he prepounded to observe that
“ order of parts unto which the said Declaration was naturally dissolved.

“ 1. Of the Preamble.

“ 2. The Body of the Charge.

E
“ 3. The Conclusion or Prayer of the Commons.

“ The preamble consisted altogether of recital ; first of the Inducements
“ upon which the Commons undertook this complaint.

“ The second of those Laws and Liberties against which the offence was
“ committed.

“ The third of the violation of those Laws which have relation to that
“ offence.

F
“ From the connexion of all those recitals (he said) there did result three
“ Positions, which he was to maintain as the ground-work and foundation of
“ the whole Cause.

“ The first, that the form of Government in any State could not be al-
“ tered without apparent danger of ruine to that State.

“ The second, the Law of England, whereby the Subjects was exempted
“ from

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“from Taxes and Loans not granted by common consent of Parliament, was
 “not introduced by any Statute, or by any Charter or Sanction of Princes,
 “but was the Antient and Fundamental Law issuing from the first frame and
 “constitution of the Kingdom.

“The third, that this Liberty of the Subject is not onely most conve-
 “nient and profitable for the People, but most honourable, most necessary
 “for the King, yea in that point of supply for which it was endeavored to
 “be broken.

“The form of Government is that which doth actuate and dispose every
 “part and member of a State to the common good; and as those parts
 “give strength and ornament to the whole, so they receive from it again
 “strength and protection in their several stations and degrees.

“If this mutual relation and intercourse be broken, the whole frame
 “will quickly be dissolved, and fall in pieces, and in stead of this concord and
 “interchange of support, whilst one part seeks to uphold the old form of
 “Government, and the other part to introduce a new, they will miserably
 “consume and devour one another. Histories are full of the calamities of
 “whole States and Nations in such cases. It is true, that time must needs
 “bring some alterations, and every alteration is a step and degree to-
 “wards a dissolution; those things onely are eternal which are constant and
 “uniform: Therefore it is observed by the best Writers upon this Subject,
 “that those Commonwealths have been most durable and perpetual which
 “have often reformed and recomposed themselves according to their first
 “Institution and Ordinance; for by this means they repair the breaches, and
 “counterwork the ordinary and natural effect of time.

“The second question is as manifest, there are plain footsteps of those
 “Laws in the Government of the *Saxons*, they were of that vigor and
 “force as to overlive the Conquest, nay to give bounds and limits to the
 “Conqueror, whose victory gave him first hope; but the assurance and
 “possession of the Crown he obtained by composition, in which he bound
 “himself to observe these and the other antient Laws and Liberties of the
 “Kingdom, which afterwards he likewise confirmed by oath at his Co-
 “ronation: from him the said Obligation descended to his Successors. It is
 “true, they have been often broken, they have been often confirmed by
 “Charters of Kings, by Acts of Parliaments; but the Petitions of the
 “Subjects, upon which those Charters and Acts were founded, were ever
 “Petitions of Right, demanding their antient and due Liberties, not
 “suing for any new.

“To clear the third Position (he said) may seem to some men more a
 “Paradox, That those Liberties of the Subject should be so honorable, so
 “profitable for the King, and most necessary for the supply of his Majesty.
 “It hath been upon another occasion declared, that if those Liberties were
 “taken away, there should remain no more industry, no more justice, no
 “more courage; who will contend, who will endanger himself for that
 “which is not his own?

“But he said he would not insist upon any of those points, nor yet upon
 “other very important; he said, that if those Liberties were taken away,
 “there would remain no means for the Subjects, by any act of Bounty or
 “Benevolence, to ingratiate themselves to their Sovereign.

“And he desired their Lordships to remember what profitable Preroga-
 “tives the Laws had appointed for the support of Sovereignty; as Ward-
 “ships, Treasures trove, Felons-goods, Fines, Amercements, and
 “other Issues of Courts, Wrecks, Escheats, and many more too long to
 “be

A “be enumerated; which for the most part are now by Charters and Grants
 “of several Princes dispersed into the hands of private Persons; and that
 “besides the antient Demeasnes of the Crown of *England*, *William* the
 “Conqueror did annex, for the better maintenance of his Estate, great
 “proportions of those Lands, which were confiscate from those English
 “which persisted to withstand him, and of these very few remain at this day
 “in the Kings possession: And that since that time the revenue of the Crown
 “had been supplied and augmented by Attainders, and other Casualties in
 “the age of our Fathers, by the dissolution of Monasteries and Chantries,
 “neer a third part of the whole Land being come into the Kings possession:
 “He remembred further that constant and profitable Grant of the Sub-
 “jects in the Act of Tonnage and Poundage: And all these he said were
 “so alienated, anticipated, overcharged with annuities and assignments,
 “that no means were left for the pressing and important occasions of this
 “time, but the voluntary and free gift of the Subjects in Parliament.

B “The hearts of the People, and their bounty in Parliament, is the
 “only constant Treasure and Revenue of the Crown, which cannot
 “be exhausted, alienated, anticipated, or otherwise charged and incum-
 “bred.

In his entrance into the second part he propounded these Steps, by which
 he meant to proceed.

C “1. To shew the state of the Cause, as it stood both in the Charge and
 “in the Proof, that so their Lordships might the better compare them both
 “together.

“2. To take away the pretences of mitigations and limitations of his
 “Opinions, which the Doctor had provided for his own defence.

“3. To observe those circumstances of Aggravation, which might pro-
 “perly be annexed to his Charge.

D “4. To propound some Precedents of former times, wherein though he
 “could not match the offence now in question (for he thought the like be-
 “fore had never been committed) yet he should produce such as should suf-
 “ficiently declare, how forward our Ancestors would have been in the pro-
 “secution, and condemning of such offences, if they had been then com-
 “mitted.

“The Offence was prescribed in a double maner, First, by the general
 “scope and intention, and by the matter and particulars of the Fact,
 “whereby that intention was expressed.

“In the description of the intention he observed six Points, every one
 “of which was a Character of extreme malice and wickedness.

E “1. His attempt to misguide and seduce the Conscience of the King.

“2. To incense his Royal Displeasure against his Subjects.

“3. To scandalize, impeach and subvert the good Laws and Government
 “of the Kingdom, and Authority of Parliaments.

“4. To avert his Majesties minde from calling of Parliaments.

“5. To alienate his royal Heart from his People.

“6. To cause Jealousies, Sedition, and Division in the Kingdom.

F “Of these particulars (he said) he would forbear to speak further, till he
 “should come to those parts of the Fact, to which they were most properly
 “to be applied.

“The Materials of the Charge were contrived into three distinct Articles,
 “the first of these comprehended two Clauses.

“1. That his Majesty is not bound to keep and observe the good Laws
 “and Customs of the Realm, concerning the right and liberty of the Sub-
 “ject,

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ject to be exempted from all Loans, Taxes, and other Aids laid upon them, without common consent in Parliament.

2. That his Majesties Will and Command in imposing any Charges upon his Subjects without such consent, doth so far bind them in their Consciences, that they cannot refuse the same without peril of eternal damnation.

Two kinds of Proof were produced upon this Article.

The first was from some assertions of the Doctors, concerning the power of Kings in general, but by necessary consequence to be applied to the King of *England*.

The next kinde of Proof was from his Censures, and determinations upon the particular Case of the late Loan, which by necessity and parity of reason, were likewise applicable to all Cases of the like nature. And lest by frailty of memory he might mistake the words, or invert the sense, he desired leave to resort to his Paper, wherein the places were carefully extracted out of the Book it self. And then he read each particular Clause by it self, pointing to the Page for proof, which we here forbear to mention, referring the Reader to the Book it self.

Then he proceeded and said, That from this evidence of the Fact doth issue a clear evidence of his wicked intention to misguide and seduce the Kings Conscience, touching the observation of the Laws and Liberties of the Kingdom, to scandalize and impeach the good Laws and Government of the Realm, and the Authority of Parliaments, which are two of those Characters of malice which he formerly noted, and now enforced thus: If to give the King ill Counsel, in some one particular Action, hath heretofore been heavily punished in this high Court; how much more hainous must it needs be thought by ill Counsel to pervert and seduce his Majesties Conscience, which is the soveraign Principle of all moral Actions, from which they are to receive warrant for their direction before they be acted, and Judgement for their reformation afterwards? If *Scandalum magnatum*, Slander and Infamy cast upon great Lords and Officers of the Kingdom, have been always most severely censured; how much more tender ought we to be of that Slander and Infamy, which is here cast upon the Laws and Government, from whence is derived all the Honor and Reverence, which is due to those great Lords and Magistrates?

All men (and so the greatest and highest Magistrates) are subject to passions and partialities, whereby they may be transported into overhard injurious Courses: Which Considerations may sometimes excuse, though never justify the railing and evil speeches of men, who have been so provoked; it being a true rule, That whatsoever gives strength and inforcement to the temptation in any sin, doth necessarily imply an abatement and diminution of guilt in that sin. But to slander and disgrace the Laws and Government, is without possibility of any such excuse, it being a simple act of a malignant Will, not induced nor excited by any outward provocation: the Laws carrying an equal and constant respect to all, ought to be revered equally by all. And thus he derived the Proofs and Inforcements, upon the first Article of the Charge.

The second Article he said contained three Clauses.

1. That these refusers had offended against the Law of God.

2. Against the supreme Authority.

3. By so doing, were become guilty of Impiety, Disloyalty, Rebellion, Disobedience, and lyable to many other Taxes.

For proof of all these (he said) he needed no other evidence then what

" might

A “ might be easily drawn from those places which he had read already ; for
 “ what impiety can be greater, then to contemn the Law of God, and to pre-
 “ fer humane Laws before it : what greater disloyalty, rebellion and disobedi-
 “ ence, then to deprefs supreme Authority, to tye the hands and clip the wings
 “ of Sovereign Princes ? Yet he desired their Lordships patience in hearing
 “ some few other places, wherein the Stains and Taint, which the Doctor en-
 “ deavored to lay upon the Refusers, might appear by the odiousness of
 “ their comparisons, in which he doth labor to rank them.

“ The first Comparison is with Popish Recufants ; yet he makes them
 “ the worst of the two, and for the better resemblance, gives them a new
 “ name of Temporal Recufants.

“ For this he alledged the 1. Sermon, Page 31, 32. and part of the fifth
 “ Consideration, by which he would perswade them to yield to this Loan.

B “ Fifthly, If they would consider what advantage this their Recufancy in
 “ Temporals, gives to the common adversary, who for disobedience in
 “ Spirituals, have hitherto alone inherited that name : for that which we
 “ our selves condemn in them for so doing, and profess to hate that Reli-
 “ gion which teacheth them so to do, that is, to refuse subjection unto
 “ Princes in Spirituals ; the same, if not worse, some of our side now (if ours
 “ they be) dare to practise.

C “ We must needs be argued of less Conscience, and more Ingratitude both
 “ to God and the King, if in Temporal things we obey not : They in Spi-
 “ rituals deny subjection, wherein they may perhaps frame unto themselves
 “ some reasons of probability, that their offence is not so hainous, if we
 “ in Temporals shall be so refractory : what colour of reason can we possibly
 “ finde to make our defence withal, without the utter shaming of our selves,
 “ and laying a stain which cannot easily be washed out, upon that Religion
 “ which his Majesty doth so graciously maintain, and our selves profess ?

D “ The second Comparison is with Turks and Jews, in the 2. Sermon,
 “ Page 47. What a Paradox is, &c. What a Turk will do for a Christian,
 “ and a Christian for a Turk, and a Jew for both, &c. the same and
 “ much less Christian men should deny to a Christian King.

“ The third Comparison is with *Corah, Dathan and Abiram, Theudas* and
 “ *Judas*, which is taken out of the second Sermon, Page 49. where he labors
 “ to deprive those refusers of all merit in their sufferings for this Cause.

E “ *Corah, Dothan and Abiram*, whom for their murmurings God suddenly
 “ sunk into Hell fire, might as well alledge their sufferings had some resem-
 “ blance with that of the three Children, in the Babylonian Furnace ; and
 “ *Theudas* and *Judas* the two Incendiaries of the people in the days of *Cæsars*
 “ tribute, might as well pretend their Cause to be like the *Maccabees*.

“ Thus he ended the second Article of the Charge, upon which he said
 “ were imprinted other two of these six Characters of malice formerly ven-
 “ ted : That is, a wicked intention to increase his Majesties displeasure a-
 “ gainst his good Subjects so refusing, and to alienate his heart from the rest
 “ of his People : Both which were Points so odious, that he needed not to
 “ adde any further inforcement or illustration.

F “ The third Article contained three Clauses.

“ 1. That Authority of Parliament is not necessary for the raising of Aids,
 “ and Subsidies.

“ 2. That the slow proceedings of such Assemblies, are not fit to supply
 “ the urgent necessity of the State.

“ 3. That Parliaments are apt to produce sundry Impediments to the just
 “ designs of Princes, and to give them occasion of displeasure and discontent.

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"For proof of all which he alledged two places, conteining the two first of those six Considerations, which are propounded by the Doctor, to induce the refusers to yield to the Loan in the first Sermon, Page 26, 27.

"First, if they would please to consider, that though such Assemblies as are the highest and greatest Representations of a Kingdom, be most Sacred and Honorable, and Necessary also to those ends to which they were at first instituted: yet know we must that ordained they were not to this end, to contribute any Right to Kings, whereby to challenge tributary Aids and Subsidiary helps, but for the more equal imposing, and more easie exacting of that which unto Kings doth appertain by natural and original Law and Justice, as their proper inheritance annexed to their Imperial Crowns from their Birth. And therefore if by a Magistrate that is Supreme, if upon necessity, extreme and urgent, such subsidiary helps be required, a proportion being held respectively to the ability of the persons charged, and the sum and quantity so required surmount not too remarkably the use and charge for which it was levyed, very hard would it be for any man in the World, that should not accordingly satisfie such demands, to defend his conscience from that heavy prejudice of resisting the Ordinance of God, and receiving to himself damnation; though every of those circumstances be not observed, which by the municipal Law is required.

"Secondly, if they would consider the importunities that often may be urgent, and pressing necessities of State, that cannot stay without certain and apparent danger, for the motion and revolution of so great and vast a Body as such Assemblies are, nor yet abide their long and pausing deliberation when they are assembled, nor stand upon the answering of those jealous and over-wary Cautions and Objections made by some, who wedded overmuch to the love of epidemical and popular Errors, and bent to cross the most just and lawful designs of their wise and gracious Sovereign; and that under the plausible shews of singular liberty and freedom, which if their Conscience might speak, would appear nothing more then the satisfying either of private humors, passions, or purposes.

"He said he needed not draw any Arguments or Conclusions from these places; the substance of the Charge appeared sufficiently in the words themselves, and to this third Article he fixed two other of these six Characters of malice, That it is his wicked intention to avert his Majesties minde from calling of Parliaments, and to cause Jealousies, Seditions, and Divisions in the Kingdom: which he shortly inforced thus. If Parliaments be taken away, Mischiefs and Disorders must needs abound, without any possibility of good Laws to reform them; Grievances will daily increase without opportunity or means to redress them; and what readier way can there be to distractions betwixt the King and People, to tumults and distempers in the State, then this?

"And so he concluded this third Article of the Charge.

"The Limitations whereby the Doctor had provided to justifie (or at least to excuse) himself, were propounded to be three.

"1. That he did not attribute to the King any such absolute Power as might be exercised at all times, or upon all occasions, according to his own pleasure, but onely upon necessity, extreme and urgent.

"2. That the sum required, must be proportionable to the ability of the party, and to the use and occasion.

"3. That he did not say, That the substance of the Municipal or National Laws might be omitted or neglected, but the Circumstances onely.

"To

A "To these were offered three Answers, the first general, the other two particular. The general Answer was this, that it is all one to leave the Power absolute, and to leave the judgement arbitrary when to execute that Power; for although these limitations should be admitted, yet it is left to the King alone to determine, what is an urgent and pressing necessity, what is a just proportion both in respect of the ability, and of the use and occasion; and what shall be said to be a Circumstance, and what of the Substance of the Law; and the Subject is left without remedy: the legal bounds being taken away, no private person shall be allowed to oppose his own particular opinion in any of these points to the Kings Resolution; so that all these limitations, though specious in shew, are in effect fruitless and vain.

B "The first particular Answer applied to that limitation of urgent necessity, was taken from the case of *Normandy*, as it appears in the Commentaries of *Gulme Fermie* upon the customary Laws of that Dutchy: they having been oppressed with some grievances, contrary to this Franchise, made their complaint to *Lewis* the tenth, which by his Charter in the year 1314. acknowledging the Right and Custome of the Countrey, and that they had been unjustly grieved, did grant and provide that from thence forward they should be free from all Subsidies and Exactions to be imposed by him and his Successors, yet with this clause, *Si necessitas grand ne le requiert*: which small exception has devoured all these Immunities; for though these States meet every year, yet they have little or no power left, but to agree to such Levies as the King will please to make upon them.

C "The second particular Answer applied to the limitation and diminution of this Power, which may be pretended to be made by this word *Circumstance*, as if he did acknowledge the King to be bound to the substance of the Law, and free onely in regard of the manner; whereas, if the places be observed, it will appear that he intends by that word, *the Assembly of Parliaments, and assent of the People*, such Contribution which is the very Substance of the Right and Liberty now in question.

D "The Circumstances of Aggravation observed to be annexed to this Cause were these.

E "The first from the place where these Sermons were preached; the Court, the Kings own Family, where such Doctrine was before so well believed, that no man needed to be converted. Of this there could be no end, but either Simoniack, by flattery and soothing to make way for his own preferment, or else extreme malicious, to add new afflictions to those who lay under his Majesties wrath, disgraced and imprisoned, and to enlarge the wound which had been given to the Laws and Liberties of the Kingdom.

F "The second was from the consideration of his holy Function: He is a Preacher of Gods Word; and yet he had endeavoured to make that which was the onely rule of Justice and Goodness, to be the warrant for violence and oppression. He is a Messenger of Peace, but he had endeavoured to sow strife and dissension, not onely amongst private persons, but even betwixt the King and his People, to the disturbance and danger of the whole State: He is a Spiritual Father, but like that evil Father in the Gospel, he hath given his Children Stones in stead of Bread; in stead of Flesh he hath given them Scorpions. Lastly, he is a Minister of the Church of *England*, but he hath acted the part of a Romish Jesuit; they labour our destruction by dissolving the Oath of Allegiance taken by the

"People;

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"People; he doth the same work, by dissolving the Oath of Protection
"and Justice taken by the King.

"A third point of Aggravation was drawn from the quality of these
"Authors, upon whose authority he doth principally rely, being for the
"most part Fryers and Jesuits, and from his fraud and shifting in citing those
"Authors to purposes quite different from their own meanings.

"Touching which it was observed, that most of his places are such as
"were intended by the Authors concerning absolute Monarchies, not re-
"gulated by Laws or Contracts betwixt the King and his People; and in
"answer to all Authorities of this kinde were alledged certain passages of a
"Speech from our late Sovereign King *James* to the Lords and Commons
"in Parliament 1609.

"In these our times we are to distinguish betwixt the state of Kings in
"their first original, and between the state of settled Kings and Monarchs
"that do at this time govern in Civil Kingdoms, &c.

"Every just King in a settled Kingdom is bound to observe the paction
"made to his People by his Laws, in framing his Government agreeable
"thereunto, &c.

"All Kings that are not Tyrants or perjured, will be glad to bound them-
"selves within the limits of their Laws; and they that perswade them
"to the contrary are Vipers and Pests, both against them and the Com-
"monwealth.

"It was secondly observed, that in the 27. page of his first Sermon he
"cites these words out of *Suarez de legibus, lib. 5. cap. 17. Acceptationem*
"*populi non esse conditionem necessariam ex vi Furis naturalis aut gentium,*
"*neque ex Jure communi;* the Jesuit adds, *neque ex antiquo Jure Hispania;*
"which words are left out by the Doctor, lest the Reader might be invited
"to enquire what was *antiquum jus Hispania;* and it might have been
"learned from the same Author in another place of that Work, that
"about two hundred years since, this liberty was granted to the People
"by one of the Kings, that no Tribute should be imposed without their
"consent; And the Author adds further, that after the Law introduced
"and confirmed by Custome, the King is bound to observe it. From this
"place he took occasion to make this short digression, That the Kings of
"Spain being powerful and wise Princes would never have parted with such
"a mark of absolute Royalty, if they had not found in this course more
"advantage then in the other, and the success and prosperity of that King-
"dom, through the valor and industry of the *Spanish* Nation so much ad-
"vanced since that time, do manifest the wisdom of that change.

"The third observation of fraud, in perverting his Authors, was this,
"In the twentieth Page of the first Sermon he cites these words out of the
"same *Suarez de legibus, li. 5. ca. 15. fol. 300. Tributa esse maxime naturalia,*
"*& præ se ferre Justitiam, quia exiguntur de rebus propriis;* This he pro-
"duceth in proof of the just right of Kings to lay Tributes. And no
"man that reads it doubts but that in *Suarez* opinion the Kings Interest
"and Propriety in the Goods of his Subjects is the ground of that Justice;
"But the truth is, that *Suarez* in that Chapter had distributed Tributes
"into divers kinds, of which he calls one sort *tributum reale*, and describes
"it thus, *Solent ita vocari pensiones quedam que penduntur regibus, &*
"*principibus exteris & agris, que a principio ad sustentationem illis applicata*
"*fuerunt, ipsi vero in feodum aliis ea donarunt sub certa pensione annua, que*
"*jure civili Canon appellari solet, quia certa regula & lege præscripta erat;*
"So that the issue is, this which *Suarez* affirms for justification of one kinde

"of

“ of Tribute, which is no more then a Fee farm of rent due by reservation
“ in the grant of Kings own lands; the Doctor herein, worſe then a
“ Jeſuit, doth wreſt to the juſtification of all kinds of Tribute exacted by
“ Impoſition upon the goods of the Subjects, wherein the King had no
“ intereſt or propriety at all.

“ 4. The laſt aggravation was drawn from his behaviour ſince theſe
“ Sermons preached, whereby he did continue ſtill to multiply and increaſe
A “ his offence, yea, even ſince the ſitting of the Parliament, and his being
“ queſtioned in Parliament; upon the fourth of *May* laſt he was ſo bold
“ as to publiſh the ſame doctrine in his own pariſh Church of *St. Giles*; the
“ points of which Sermons were theſe.

“ That the King had right to order all, as to him ſhould ſeem good, with-
“ out any mans conſent.

“ That the King might require in time of neceſſity Aid; and if the
“ Subjects did not ſupply, the King might juſtly avenge it.

B “ That the Propriety of Eſtate and Goods was ordinarily in the Subject:
“ but extraordinarily, (that is, in caſe of the Kings need) the King hath
“ right to diſpoſe them.

“ Theſe Aſſertions in that Sermon he ſaid would be proved by very good
“ teſtimony, and therefore deſired the Lords that it might be carefully
“ examined, becauſe the Commons held it to be a great contempt to the
“ Parliament for him to maintain that ſo publiſhly which was here que-
“ ſtioned.

C “ They held it a great preſumption for a private Divine to debate the
“ Right and Power of the King, which is a matter of ſuch a nature, as
“ to be handled only in this High Court, and that with moderation and
“ tenderneſs; and ſo he concluded that point of aggravation.

“ In the laſt place he produced ſome ſuch precedents as might teſtifie
“ what the opinion of our Anceſtors would have been, if this caſe had
“ fallen out in their time; And herein he ſaid he would confine himſelf
D “ to the reigns of the firſt three *Edwards*, two of them Princes of great
“ glory; He began with the eldeſt, *Weſtm. 1. Ca. 33.*

“ By this Statute 3. *Edw. 1.* proviſion was made againſt thoſe who ſhould
“ tell any falſe News, or deviſe, by which any diſcord or ſcandal may ariſe
“ betwixt the King, his People, and great Men of the Kingdom.

E “ 27. *Edw. 3. Rot. part. iii. 20.* It was declared by the Kings Proclamation
“ ſent into all the Counties of *England*, That they that reported that he
“ would not obſerve the Great Charter were malicious people, who deſired
“ to put trouble and debate betwixt the King and his Subjects, and to
“ diſturb the peace and good eſtate of the King, the People, and the
“ Realm.

“ 5. *Edw. 2. Inter novas ordinationes, Henry de Beaumont* for giving the King
“ ill Counſel againſt his Oath, was put from the Council, and reſtrained
“ for coming into the preſence of the King under pain of confiſcation and
“ baniſhment.

F “ 19. *Edw. 2. Claufe Minidors.* Commiſſions were granted to inquire
“ upon the Statute of *W. 1.* touching the ſpreading of News, whereby
“ diſcord and ſcandal might grow betwixt the King and his People.

“ 10. *Edw. 3. Claufe M. 26.* Proclamations went out to arreſt all them
“ who had preſumed to report that the King would lay upon the Wools
“ certain ſums beſides the antient and due Cuſtomes, where the King calls
“ theſe reports *exquiſita mendacia, &c. que non tantum in publicam leſionem,*
“ *ſed in noſtrum cedunt damnum, & dedecus manifeſtum.*

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" 12. *Edw. 3. Rot. Almaine.* The King writes to the Archbishop of Canterbury, excusing himself for some impositions which he had laid, professeth his great sorrow for it, desires the Archbishop by Indulgences and other ways to stir up the People to pray for him, hoping that God would enable him by some satisfactory benefit to make amends, and comfort his Subjects for those pressures.

" To these temporal Precedents of ancient times which were alledged, he added an Ecclesiastical Precedent out of a book called *Pupilla Oculi*, being published for the instruction of Confessors, in the Title *De participantibus cum excommunicatis*, fol. 59. All the Articles of *Magna Charta* are inserted with this direction, *Hos articulos ignorare non debent quibus incumbit confessiones audire infra provinciam Cantuariensem.*

" He likewise remembered the Proclamation 8. *Fac.* for the calling in and burning of Doctor *Cowel's* book, for which these reasons are given, For mistaking the true state of the Parliament of the Kingdom, and fundamental constitution and privileges thereof: For speaking irreverently of the Common Law, it being a thing utterly unlawful for any Subject to speak or write against that Law under which he liveth, and which we are sworn and resolve to maintain.

" From these Precedents he collected, that if former Parliaments were so careful of false rumors and news, they would have been much more tender of such doctrines as these, which might produce true occasions of discord betwixt the King and his People.

" If those who reported the King would lay Impositions, and break his Laws, were thought such hainous offenders, how much more should this man be condemned, who perswaded the King he is not bound to keep those Laws? If that great King was so far from challenging any right in this kinde, that he professed his own sorrow and repentance for grieving his Subjects with unlawful charges: If Confessors were enjoined to frame the Consciences of the People to the observance of these Laws, certainly such Doctrine, and such a Preacher as this, would have been held most strange, and abominable in all these times?

" The third general part was the conclusion or prayer of the Commons, which consisted of three Clauses.

" First, they reserved to themselves liberty of any other accusation, and for this he said there was great reason, that as the Doctor multiplied his offences, so they may renew their accusations.

" Secondly, they saved to themselves liberty of replying to his Answer, for they had great cause to think that he who shifted so much in offending, would shift much more in answering.

" Thirdly, they desire he might be brought to examination and judgement; this they thought would be very important for the comfort of the present age, for security of the future against such wicked and malicious practises; And so he concluded, that seeing the cause had strength enough to maintain it self, his humble suit to their Lordships was, That they would not observe his infirmities and defects, to the diminution or prejudice of that strength.

Not long after the Commons, by their Speaker, demanded Judgement of the Lords against the Doctor, who not accounting his submission with tears and grief, a satisfaction for the great offence wherewith he stood charged, gave this Sentence.

1. That Dr. *Manning* Doctor in Divinity shall be imprisoned, during the pleasure of the House.

2. That

2. That he be fined one thousand pounds to the King.

3. That he shall make such submission and acknowledgement of his offences, as shall be set down by a Committee in writing, both at the Bar and in the House of Commons.

4. That he shall be suspended for the time of three years from the exercise of the Ministry, and in the mean time a sufficient preaching Minister shall be provided out of his livings to serve the Cure: This suspension and provision to be done by the Ecclesiastical jurisdiction.

5. That he shall be hereafter disabled to have any Ecclesiastical Dignity, or secular Office.

6. That he shall be for ever disabled to preach at the Court hereafter.

7. That his said Book is worthy to be burnt, and that for the better effecting of this, his Majesty may be moved to grant a Proclamation to call in the said Books, that they may be all burnt accordingly, in London, and both the Universities, and for the Inhibiting the printing thereof, upon a great penalty.

4. *Caroli.*

Judgement
given against
Dr. Manwar-
waring.

Doctor Manwarings submission was in these words;

May it please this Honorable House, I do here in all sorrow of Heart and true Repentance, acknowledge the many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine, which I called *Religion and Allegiance*; and my great fault in falling upon this Theame again, and handling the same rashly and unadvisedly in my own Parish Church of St. Giles in the Fields, the fourth of May last past. I do humbly acknowledge those three Sermons to have been full of many dangerous Passages, Inferences, and scandalous Aspersions in most part of the same; And I do humbly acknowledge the Justice of this Honorable House, in that Judgement and Sentence passed upon me for my great offence; And I do from the bottom of my Heart crave pardon of God, the King, and this Honorable House, and the Church, and this Commonwealth in general, and those worthy Persons adjudged to be reflected upon by me, in particular, for these great Errors and Offences.

Dr. Manwar-
ings submis-
sions.

Roger Manwaring.

*Another Message was brought from his Majesty by the
Speaker, Tuesday 5 of June.*

His Majesty wished them to remember the Message he last sent them, by which he set a day for the end of this Session, and he commanded the Speaker to let them know, that he will certainly hold that day prefixed without alteration; and because that cannot be, if the House entertain more business of length, he requires them that they enter not into or proceed with any new business, which may spend greater time, or which may lay any Scandal or Aspersions upon the State-government, or Ministers thereof.

Another
Message
from the
King.

Sir Robert Phillips upon this occasion expressed himself thus: "I perceive that towards God and towards man, there is little hope after our humble and careful endeavors, seeing our Sins are many and so great: I consider my own infirmities, and if ever my Passions were wrought upon,"

Sir Robert
Phillips.

H h h h

" then

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“ then now, this Message stirs me up especially; when I remember with
 “ what moderation we have proceeded, I cannot but wonder to see the mi-
 “ serable straight we are now in: What have we not done to have merited?
 “ Former times have given wounds enough to the peoples Liberty, we came
 “ hither full of wounds, and we have cured what we could, and what is the
 “ return of all, but misery and desolation? What did we aim at, but to have
 “ served his Majesty, and to have done that that would have made him
 “ Great and Glorious? if this be a fault, then we are all Criminous: What
 “ shall we do, since our humble purposes are thus prevented, which were
 “ not to have laid any aspersion on the Government, since it tended to no
 “ other end but to give his Majesty true information of his and our dan-
 “ ger? And to this we are enforced out of a necessity of duty to the
 “ King, our Countrey, and to Posterity; but we being stopped, and stop-
 “ ped in such maner, as we are enjoyned, so we must now leave to be a
 “ Council. I hear this with that grief, as the saddest Message of the greatest
 “ loss in the world; but let us still be wise, be humble, let us make a fair De-
 “ claration to the King.

A

B

Sir John
Elliot.

“ **O**ur sins are so exceeding great (said Sir *John Elliot*) that unless we spee-
 “ dily return to God, God will remove himself further from us; ye know
 “ with what affection and integrity we have proceeded hitherto, to have
 “ gained his Majesties heart, and out of a necessity of our duty were brought
 “ to that course we were in: I doubt a misrepresentation to his Majesty
 “ hath drawn this mark of his displeasure upon us: I observe in the Message
 “ amongst other sad particulars, it is conceived that we were about to lay
 “ some aspersions on the Government; give me leave to protest, That so clear
 “ were our intentions, that we desire onely to vindicate those dishonors to
 “ our King and Countrey, &c. It is said also, as if we cast some aspersions on
 “ his Majesties Ministers, I am confident no Minister, how dear soever, can--

C

Here the Speaker started up from the seat of the Chair, apprehending
 Sir *John Elliot* intended to fall upon the Duke, and some of the Ministers of
 State; said, There is a command laid upon me, that I must command you
 not to proceed: whereupon Sir *John Elliot* sat down.

D

Sir Dudley
Diggs.

“ **I** Am as much grieved as ever, said Sir *Dudley Diggs*; Must we not pro-
 “ ceed? let us sit in silence, we are miserable, we know not what to do.

Hereupon there was a sad silence in the House for a while, which was bro-
 ken by Sir *Nathaniel Rich*, in these words:

Sir Nathan.
Rich.

“ **V**VE must now speak, or for ever hold our peace; for us to be silent
 “ when King and Kingdom are in this calamity, is not fit. The
 “ question is, Whether we shall secure our selves by silence, yea or no? I know
 “ it is more for our own security, but it is not for the security of those for
 “ whom we serve; let us think on them: some instruments desire a change,
 “ we fear his Majesties safety, and the safety of the Kingdom, I do not say
 “ we now see it, and shall we now sit still and do nothing, and so be scat-
 “ tered? Let us go together to the Lords, and shew our dangers, that we
 “ may then go to the King together.

E

F

Others said, That the Speech lately spoken by Sir *John Elliot*, had given
 offence (as they feared) to his Majesty.

Where-

4. Caroli.

The Commons declare that no undutiful Speech hath been spoken.

Mr. Wandesford,

Sir Edw. Cook declares the Duke the cause of all our miseries,

Mr. Seldens advice for a Declaration against the Duke,

VHereupon the House declared, That every Member of the House is free from any undutiful Speech, from the beginning of the Parliament to that day; and Ordered, That the House be turned into a Committee, to consider what is fit to be done for the safety of the Kingdom; and that no man go out, upon pain of going to the Tower: But before the Speaker left the Chair, he desired leave to go forth; and the House ordered that he may go forth, if he please. And the House was hereupon turned into a grand Committee, Mr. *Whitby* in the Chair.

I Am as full of grief as others, said Mr. *Wandesford*, let us recollect our English hearts, and not sit still, but do our duties; two ways are propounded, To go to the Lords, or to the King; I think it is fit we go to the King, for this doth concern our Liberties, and let us not fear to make a Remonstrance of our rights; we are his Counsellors; there are some men which call evill good, and good evil, and bitter sweet: Justice is now called Popularity and Faction.

Then Sir *Edw. Cook* spake freely, "We have dealt with that duty and moderation that never was the like, *Rebus sic stantibus*, after such a violation of the Liberties of the Subject; let us take this to heart. In 30. E. 3. were they then in doubt in Parliament to name men that misled the King? they accused *John de Gaunt*, the Kings Son, and Lord *Latimer*, and Lord *Nevel*, for misadvising the King, and they went to the Tower for it; now when there is such a downfal of the State, shall we hold our tongues? how shall we answer our duties to God and men? 7. H. 4. Parl. Rot. numb. 31. & 32. 11. H. 4. numb. 13. there the Councel are complained of, and are removed from the King; they mewed up the King, and disswaded him from the Common Good; and why are we now retrived from that way we were in? why may we not name those that are the Cause of all our evils? In 4. H. 3. & 27. E. 3. & 13. R. 2. the Parliament moderateth the Kings prerogative, and nothing grows to abuse, but this House hath power to treat of it: What shall we do? let us palliate no longer; if we do, God will not prosper us. I think the *Duke of Buckingham* is the cause of all our miseries, and till the King be informed thereof, we shall never go out with honour, or sit with honour here; that man is the Grievance of Grievances: let us set down the causes of all our dysasters, and all will reflect upon him. As for going to the Lords, that is not *via Regia*; our Liberties are now impeached, we are concerned; it is not *via Regia*, the Lords are not participant with our Liberties.

Mr. *Selden* advised that a Declaration be drawn under four heads. 1. To express the Houses dutiful carriage towards his Majesty. 2. To tender their Liberties that are violated. 3. To present what the purpose of the House was to have dealt in. 4. That that great Person, *viz.* the *Duke*, fearing himself to be questioned, did interpose and cause this distraction. All this time (said he) we have cast a mantle on what was done last Parliament, but now being driven again to look on that man, let us proceed with that which was then well begun, and let the Charge be renewed that was last Parliament against him, to which he made an Answer, but the particulars were sufficient, that we might demand judgement on that Answer onely.

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Several
heads agreed
on for a Re-
monstrance.

A Message
from the
King by the
Speaker.

IN conclusion, the House agreed upon several heads concerning innovation in Religion, the safety of the King and Kingdom, misgovernment, misfortune of our late designs, with the causes of them; And whilest it was moving to be put to the question, that the Duke of *Buckingham* shall be instanced to be the chief and principal cause of all those evils, the Speaker (who after he had leave to go forth, went privately to the King) brought this Message,

“THat his Majesty commands for the present they adjourn the House till to morrow morning, and that all Committees cease in the mean time. And the House was accordingly adjourned.

AT the same time the King sent for the Lord Keeper to attend him presently; the House of Lords was adjourned *ad libitum*; the Lord Keeper being returned, and the House resumed, his Lordship signified his Majesties desire, that the House and all Committees be adjourned till to morrow morning.

AFTER this Message was delivered, the Lords House fearing a sudden dissolution, fell into consideration of the weak estate of the Kingdom, and of our Friends and Allies abroad; of the great strength of the House of *Austria*, and the King of *Spains* ambition, aspiring to an universal Monarchy, and his present great preparations for war. Hereupon the House was moved to name a select Committee, to represent these things to his Majesty, with the danger like to insue to this Kingdom, if the Parliament be dissolved without a happy conclusion. But being satisfied by the Lords of the privy Council, that there was no such cause of fear, as the House apprehended, the naming of a Committee was for that time deferred.

Having

Having met in our Collections with a Letter of Mr. Allureds, to old Mr. Chamberlain of the Court of Wards: and being a concurrent proof to the Passages this day in the House; We have thought fit here to mention it, viz.

Sir,

A **Y**esterday was a day of desolation among us in Parliament, and this day we fear will be the day of our dissolution: Upon Tuesday Sir John Elliot moved, that as we intended to furnish his Majesty with money, we should also supply him with Counsel, which was one part of the occasion why we were sent by the Countrey, and called for by his Majesty; And since that House was the greatest Council of the Kingdom, where, or when should his Majesty have better Counsel then from thence; So he desired there might be a Declaration made to the King of the danger wherein the Kingdom stood by the decay and contempt of Religion, the insufficiency of his Generals, the unfaithfulness of his Officers, **B** the weakness of his Councils, the exhausting of his Treasure, the death of his men, the decay of Trade, the loss of Shipping, the many and powerful Enemies, the Jew and the poor Friends we had abroad.

C In the enumerating of which, the Chancellor of the Dutchy said it was a strange language, yet the House commanded Sir John Elliot to go on, then the Chancellor desired if he went on, that himself might go out, whereupon they all bid him begone, yet he stayed and heard him out, and the House generally inclined to such a Declaration to be presented in an humble and a modest manner, not prescribing the King the way, but leaving it to his Judgment for reformation; So the next day, being Wednesday, we had a Message from his Majesty by the Speaker that the Session should end on Wednesday, and that therefore we should husband the time and dispatch the old businesses without entertaining new; intending to pursue their Declaration, they had this Message yesterday morning brought them which I have here inclosed sent you, which requiring not to cast or lay any aspersions upon any Minister of his Majesty, the house was much affected to be so restrained, since the House in former times had proceeded by **D** finding and committing John of Gaunt the Kings Son and others, and of late have meddled with, and sentenced the Lord Chancellor Bacon, and the Lord Treasurer Cranfield. Then Sir Robert Philips spake and mingled his words with weeping, Mr. Prynne did the like, and Sir Edward Cook, overcome with passion, seeing the desolation likely to ensue, was forced to sit down when he began to speak through the abundance of tears, yea the Speaker in his Speech could not refrain from weeping and shedding of tears, besides a great many whose great griefs made them dumb and silent, yet some bore up in that storm and encouraged others; **E** In the end they desired the Speaker to leave the Chair, and Mr. Whitby was to come into it, that they might speak the freer and the frequenter, and commanded no man to go out of the House upon pain of going to the Tower; Then the Speaker humbly and earnestly besought the House to give him leave to absent himself for half an hour, presuming they did not think he did it for any ill intention; which was instantly granted him: then upon many Debates about their Liberties hereby infringed, and the eminent danger wherein the Kingdom stood; Sir Edward Cook told them, he now saw God had not accepted of their humble and moderate carriages and fair proceedings, and the rather, because he thought they dealt not sincerely with the King, and with the Countrey in making a true Representation of the causes of all these miseries, which **F** now he repented himself since things were come to this pass, that he did it not sooner, and therefore he not knowing whether ever he should speak in this House again would now do it freely, and there protested that the author and cause of

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all those miseries was the Duke of Buckingham, which was entertained and ascribed with a chearful acclamation of the House, as when one good Hound recovers the scent, the rest come in with a full cry: so they pursued it, and every one came on home, and laid the blame where they thought the fault was, and as they were Voting it to the Question whether they should name him in their intended Remonstrance, the Sole or the Principall cause of all their miseries at home and abroad: The Speaker having been three hours absent, and with the King, returned with this Message; That the House should then rise (being about eleven a clock, and no Committees should sit in the afternoon) till to morrow morning; What we shall expect this morning God of Heaven knows. We shall meet timely this morning, partly for the businesse sake, and partly because two days since we made an Order, that whosoever comes in after prayers, payes twelve pence to the poor. Sir, excuse my haste, and let us have your prayers, whereof both you, and we have here need: So inscribing haste I rest

This 6. of June
1628.

Affectionately at your service
Thomas Alured.

The Message mentioned in this Letter of the 6. of June, is already before expressed.

Friday 6. June.

Mr. Speaker brings another Message from the King the day following.

Another Message from the King to the Commons.

"IN my service to this House I have had many undeserved favours
"from you, which I shall ever with all humbleness acknowledge,
"but none can be greater then that testimony of your confidence yesterday shewed unto me, whereby I hope I have done nothing, or
"made any representation to his Majesty, but what is for the honour and
"service of this House, and I will have my tongue cleave to my mouth,
"before I will speak to the disadvantage of any Member thereof, I have
"now a Message to deliver unto you.

"Whereas his Majesty understanding that ye did conceive his last
"Message to restrain you in your just Priviledges, to complain of any of
"his Ministers, These are to declare his intentions, that he had no
"meaning of barring you from what hath been your Right, but only
"to avoid all scandals on his Council and Actions past, and that his
"Ministers might not be, nor himself under their names taxed for their
"Counsel unto his Majesty, and that no such particulars should be taken
"in hand as would ask a longer time of consideration then what he hath
"prefixed, and still resolves to hold, that so for this time all Christendom
"might take notice of a sweet parting between him, and his people:
"Which if it fall out, his Majesty will not be long from another
"meeting, when such (if there be any) at their leisure and convenience may be considered.

Mr. Speaker proceeded.

"I will observe somewhat out of this Message, ye may observe a
"great inclination in his Majesty to meet in this House. I was bold
"yesterday to take notice of that liberty ye gave me to go to his Majesty.
"I know there are none here but did imagine whither I went,
"& but that I knew ye were desirous and content that I should leave you,

"I would not have desired it, give me leave to say, this Message bars you
 "not of your Right in matter, nay not in manner, but it reacheth to his
 "Counsell's part, and for giving him Counsell in those things which he
 "commanded. It is not his Majesties intentions to protect any Abetter of
 "Spain. The end of this was that we might meet again sweetly and
 "happily.

4 Caroli.

A *The House of Lords likewise received this Message by the Lord Keeper.*

"MY Lords, his Majestic takes notice to your great advantage of the
 "proceedings of this house upon the hearing of his Majesties mes-
 "sage yesterday; He accounts it a fair respect that ye would neither agree
 "of any Committee, or send any Message to his Majesty, though it were
 "in your own hearts, but yeild your selves to his Majesties Message,
 "and defer your own resolutions till you meet again at the time appoint-
 "ed by his Majesty. Yet his Majesty takes it in extreame good part to hear
 "what was in your heart, and especially that ye were so sensible of
 "the inconvenience that might ensue upon the breach of this Parliament.
 "Which if it had happened, or shall hereafter happen, his Majesty as-
 "sures himself, that he shall stand clear before God and men of the oc-
 "casion.

A Message
 from his Maje-
 sties to the house
 of Lords.

"But his Majesty saith ye had just cause to be sensible of the danger,
 "considering how the estate of Christendom now stands in respect of
 "the multitude and strength of our Enemies, and weakness on our part.
 "All which his Majesty knows very exactly, and in respect thereof cal-
 "led this Parliament, the particulars his Majesty holds it needles to
 "recite, especially to your Lordships, since they are apparant to all
 "men; Neither will it be needfull to reiterate them to his Majesty,
 "whose cares are most intente upon them, and the best remedy that
 "can be thought on therein is, if his Subjects do their parts. Therefore
 "his Majesty gives you hearty thanks, and bad me tell you that nothing
 "hath been more acceptable to him all the time of this Parliament,
 "then this dutiful and discreet carriage of your Lordships, which he
 "professeth hath been a chief motive to his Majesty to suspend those
 "intentions that were not far from a resolution.

*Sir Robert Philips assumed the Debate upon the Message delivered by the
 Speaker, and said;*

"I rise up with a disposition somewhat in more hope of comfort then
 "yesterday, yet in regard of the uncertainty of Counsell, I shall not
 "change much: In the first place I must be bold without flattering, a
 "thing not incident to me to tell you (Mr. Speaker) you have not on-
 "ly at all times discharged the duty of a good Speaker, but of a good
 "man, for which I render you many thanks.

The Kings
 Message gives
 the Commons
 more hope then
 formerly.

"Another respect touching his Majesties Answer to our Petition,
 "First if that Answer fall out to be short, I free his Majesty, and I be-
 "lieve his Resolution was to give that that we all expected; But in that,
 "as in others, we have suffered by reason of interposed persons between
 "his Majesty and us; But this day is by intervenient accidents diverted
 "from that, but so, as in time we go to his Majesty: Therefore let us re-
 "move those jealousies in his Majesty of our Proceedings, that by some
 "men over-grown have bin mispresented: we have proceeded with tem-
 "per in confidence of his Majesties goodness to us, and our fidelity to him.

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“and if any have construed that what we have done hath been out of
 “feare, let him know we came hither free men, and will ever resolve
 “to endure the worst, and they are poor men that make such interpreta-
 “tions of Parliaments; in this way and method we proceeded, and if any
 “thing fall out unhappily, it is not King *Charles* that advised himself,
 “but King *Charles* misadvised by others, and misled by misordered
 “Council, it becomes us to consider what we were doing, and now to
 “advise what is fit to be done. We were taking consideration of the State
 “of the Kingdome, and to present to his Majesty the danger he and we
 “are in, in since any man hath been named in particular (though I
 “love to speak of my betters with humility) let him thank himself and
 “his Councils, but those necessary jealousies gives us occasion to name
 “him: I assure my self we shall proceed with temper, and give his Majesty
 “satisfaction if we proceed in that way; his Majesties message is now
 “explanatory in point of our liberties, that he intends not to barre us
 “of our rights, and that he would not have any aspersion cast on the
 “Councils past, let us present to his Majesty shortly and faithfully, and
 “declare our intentions that we intend not to lay any aspersion upon
 “him but out of a necessity to prevent the eminent dangers we are sur-
 “rounded with, and to present to him the affaires at home and abroad,
 “and to desire his Majesty that no interposition of mis-information of
 “men in fault may prevaile, but to expect the issue that shall be full of
 “duty and Loyalty.

“The Commons sent a message to the Lords, that they would
 “joyne in an humble request to the King, that a clear and satisfacto-
 “ry answer be given by his Majesty in full Parliament to the petition of
 “Right, whereunto the Lords did agree.

“Afterward the House was turned again into a Committee, and
 “considered of some more heads to be inserted into the Declaration
 “or Remonstrance, as the designe to bring into this Nation Foreign
 “Forces under the command of *Doltreir*; And *Burlemack* was called into
 “the House, who confessed he received thirty thousand pound by Pri-
 “vy seal for the buying of Horses, that one thousand of them are levi-
 “ed, that those Horse and their Riders are to come over, and Armes
 “are provided for them in *Holland*, but he heares a Countermand is
 “gone to stay them.

The Privy Seal is in these words.

“*Charles* by the Grace of God, King of *England, Scotland, France* and
 “*Ireland*, Defender of the Faith, &c. To the Treasurer, and under
 “Treasurer for our Exchequer for the time being, Greeting; We do
 “hereby will and command you out of our Treasury remaining in the
 “receipt of our said Exchequer, forthwith to pay, or cause to be paid
 “unto *Philip Burlemack*, of *London* Merchant, the summe of thirty thou-
 “sand pounds to be paid by him over by Bill of Exchange into the
 “Low Countreys, and *Germany*, unto our Trusty and well-beloved
 “Sir *William Balfoure* Knight, and *John Dolbier* Esquire, or either of
 “them for levying and providing certain numbers of Horses, with
 “Armes for Horse and Foot, to be brought over into this Kingdome
 “for our service, *viz.* for the levying and transporting of one thousand
 “Horse, fifteen thousand pounds; for five thousand Muskets, five thou-
 “sand Corlets, and five thousand Pikes, ten thousand five hundred
 pounds

Burlemack cal-
 led in o the
 House.

"pounds; and for one thousand Curaseers compleat, two hundred Corflets, and Carbines, four thousand five hundred pounds, amounting in the whole to the said summe of thirty thousand pounds. And this our letter shall be your sufficient warrant, and discharge in this behalf. Given under our Privy Seal at our Palace of *Westminster* the 30th. of *January*, in the third year of our Reign.

4. *Caroli.*

A June the seventh, the King came to the Lords House, and the House of Commons were sent for. And the Lord Keeper presented the humble Petition of both Houses, and said,

B **M**ay it please your most excellent Majesty, the Lords Spiritual and Temporal, and Commons in Parliament assembled, taking into consideration that the good intelligence between your Majesty and your people doth much depend upon your Majesties answer unto their Petition of Right formerly presented. With unanimous consent do now become most humble Suitors unto your Majesty, that you would be pleased to give a clear and satisfactory answer thereunto in full Parliament.

The Petition of both Houses to his Majesty for a further Answer to the Petition of right.

whereunto the King replied.

C The answer I have already given you was made with so good deliberation, and approved by the judgements of so many wise men, that I could not have imagined but it should have given you full satisfaction; But to avoid all ambiguous interpretations, and to shew you there is no doubleness in my meaning, I am willing to pleasure you as well in words as in substance, read your Petition, and you shall have an answer that I am sure will please you.

His Majesties second Answer to the Petition of right.

The Petition was read, and this answer was returned: *Soit droit fait come il est desire.*

C. R.

D This I am sure (said his Majesty) is full, yet no more then I granted you in my first Answer, for the meaning of that was to confirm your liberties; knowing according to your own Protestations, that ye neither meane, nor can hurt my Prerogative. And I assure you my Maxime is, That the Peoples Liberties strengthen the Kings Prerogative, and the Kings Prerogative is to defend the Peoples Liberties.

E You see how ready I have shewed my self to satisfie your demands, so that I have done my part; Wherefore if this Parliament have not a happy conclusion, the sin is yours, I am free from it.

Whereupon the Commons returned to their own House with unspeakable joy, and resolved so to proceed as to expresse their thankfulness; and now frequent mention was made of proceeding with the Bill of subsidies, of sending the Bills (which were ready) to the Lords, of perfecting the Bill of Tunnage and Poundage, and Sir *John Strange-waies* also expressed his joy at the answer, and further added, Let us perfect our Remonstrance; King *James* was wont to say, He knew that by Parliaments which otherwise he could never have known.

F After the granting of the Petition of Right, the House ordered that the Grand Committees for Religion, Trade, Grievances, and Courts of Justice, to sit no longer, but that the House proceed only in the consideration of Grievances of most moment, And first they fell upon the Commission for Excise, and sent to the Lord Keeper for the same,

All Grand Committees to cease.

who

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who returned answer that he received Warrant at the Councel Table for the sealing thereof, and when it was sealed, he carried it back to the Councel Table. The Commission being sent, it was read in the House, viz.

Charles, By the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To Sir Thomas Coventry Knight, Lord Keeper of the Great Seale of England; To James Earl of Malburg, Lord High Treasurer of England, Henry Earl of Manchester, Lord President of our Council, Edward Earl of Worcester, Lord Keeper of our Privy Seal; George Duke of Buckingham, Lord high Admiral of England, William E. of Pembroke, Lord Steward of Our Household; Philip Earl of Mountgomery, Lord Chamberlain of Our Household, Theophilus Earl of Suffolk, Edward Earl of Dorset, William Earl of Salisbury, Thomas Earl of Exeter, John Earl of Bridgewater, James Earl of Carlisle, Henry Earl of Holland, William Earl of Denbigh, George Earl of Totnes, Sir George Hay Kt. Lord Chancelloz of Scotland, William Earl of Morton, Thomas Earl of Kelley, Thomas Earl of Mellers, Edward Viscount Conway, one of our principal Secretaries of State; Edward Viscount Wimbleton, Oliver Viscount Grandison, Henry Falkland Lord Deputy of Ireland; To the Lord Bp. of Winchester, Wil. Lord Bp. of Bath and Wells, Fulk Lo. Brook, Dudley Ath, Lord Carlton, Vice Chamberlain of Our Household, Sir Thomas Edmonds Treasurer of our Household, Sir John Savil Controller of Our Household, Sir Robert Nanton Master of the Court of Wards, Sir John Cook one of the principal Secretaries of State, Sir Richard Weston Chancelour, and under Treasurer of our Exchequer, Julius Caesar Master of the Rolls, and Sir Humphrey May Kt. Chancelour of Our Dutchy of Lancaster, Greeting. Whereas the present Coniuncture of the general affairs of Christendome, and our own particular interest, in giving assistance unto our oppressed Allies, and for providing for the defence and safety of our own Dominions, and People, do call upon us to neglect nothing that may conduce to those good ends; And because Homes (the principal sinews of war, and one of the first and chiefest movers in all great Preparations and Actions) are necessary to be provided in the first place, and we are carefull the same may be raised by such ways as may best stand with the State of Our Kingdoms, and Subjects, and yet may answer the pressing occasions of the present times: we therefore, out of the experience we have had, and for the trust we repose in your wisdoms, fidelities, and dutifull care of your service; And for the experience we have of all great Causes concerning us and our State, both as they have relation to foraine parts abroad, and as to our Common-wealth, and People at home (We being persons called by us to be of Our Privy Councel) have thought fit amongst those great and important matters, which so much concern us, in the first and chiefest place, to recommend this to your special care and Diligence.

And we do hereby authorize, and appoint, and strictly will, and require you, that speedily and seriously you enter into consideration of

A of all the best and speediest ways and means ye can for raising of Money for the most Important occasions aforesaid: Which without extreamest hazard to Us, our Dominions, and People, and to our Friends, and Allies, can admit of no long Delay, the same to be done by Impositions, or oth^rwise, as in your wisdoms and best Judgments ye shall find to be most convenient in a case of this inevitable necessity, wherein form and Circumstance must be dispensed with, rather then the Substance be lost, and hazarded. And herein our will and pleasure is, that You, or as many of You from time to time as can be spared from attendance upon Our Person, or other our necessary Services, doe use all diligence by your frequent meetings, and serious considerations, And when ye have brought any thing to maturity, ye make report thereof unto us, for the advancement of this greatt service, which with the greatest affection we can, we recommend to your best care and judgement, whercof ye must not fail, as ye tender Our Honour, and safety of our Dominions, and People: And for the doing hereof, these Presents shall be to you, and every of you a sufficient warrant and discharge in that behalf: In witness whereof we have caused these Our Letters to be made Letters Patents; witness Our self at Westminster the last day of February in the third year of Our Reign.

Per ipsum Regem.

C Sir Edward Cook observed some circumstances in the Commission.

D First, it was after the Summons to the Parliament, Sure, some thought the Parliament should not be. 2. There is a Pudor in it, it was kept secret, some great Lords never knew it. 3. The end of it was Excises, for they are Impositions, and to be sure he would have the word (otherwise) wherefore his advice was to go up to the Lords, and desire a Conference, to complain of the Commission, and desire it may be Cancelled, and if there be any inrolment of it, to cancel that also, and that the Projector may be found out and punished.

Hereupon there ensued a Conference with the Lords, which was thus managed by Sir Edward Cook.

E My Lords, The subject of this Conference is a Commission, therefore we shall desire your Lordships to hear it read, which was done accordingly. That which I shall deliver is certain Observations out of the Patent. First, The Persons to whom it is directed. 2. The Authority that is committed. 3. The great penalty laid on them if they do it not. 4. The Time.

F 1. The Persons to whom it is directed are twenty three Lords, and other of his Majesties Council. 2. The Authority committed unto them, is to consider how Money may be Leavied by Impositions, or otherwise: It is true, it is but a Power to Leavy Money by Imposition; We doe not find any thing raised (that is left to your Lordships) but a Commission to leavy money by Imposition or otherwise, give us leave to fear that Excise, and what ever is comprehended in it, was intended. Sure I am, it is against the Law, it is a very high breach of your Lordships, and our the poor Commons Liberties, and yet this being ill in it self,

Sir Edward Cooks Observations upon the said Commission.

Sir Edward Cook managed the Conference between both Houses concerning the Commission.

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self, may produce a happy effect : the King and both Houses have given a Judgment, the greatest that ever was against this in the Petition of Right, and when this Judgment is given, see how Gods goodness hath brought it to pass, that this Patent shall be part of Execution of that Judgement, to dam it for the punishment.

I do utterly dislike that clause, *as you tender the Kings Honour*; That that must come to a thing of this nature, and it is strange to me, I cannot dive into it, I leave it to your Lordships, for the time, It came out seven days after the Summons of Parliament, all knew the Parliament would desery this, but I hope it will now turn to good : I will not say it was kept secret.

That which I am to demand of your Lordships first, is, that as we haveing considered of this Commission, finding it *ex diametro* against the late Judgment in the Petition of Right, have condemned it; So your Lordships would concur with us, as hitherto ye have done.

2. That this Commission as a thing ag inst Law, may be cancelled.
3. That if it be inrolled, a Vote may be made of it, and if not, that Order be taken that it be not inrolled. 4. That the warrant may be damned and destroyed. 5. That it would please your Lordships in your wisdoms to take into consideration who is the Projector of this device, and if he could be found out, that some exemplary punishment may be according to justice inflicted on him.

The Lords accepted the motion, and promised to present the same to his Majesty.

This done, the House of Commons Voted that the Commission, the not guarding the narrow Seas, the decay of Trade, and other particulars be inserted in the Remonstrance.

THe House having well nigh finished the several particulars of grievances of most moment, resumeth the former motion to declare who was the cause of all those evils, which in a Committee of the whole House was mentioned before.

The Debate was as hot as ever, and the crimes so frequently objected against the Duke, were brought in afresh, as if they had never been proposed in the House. One made a distinction that the Duke was *The cause* of some, and *A. cause* of other grievances. For the first, he instanced in the disaster of the Armies, the decay of Ports, Trade, Ships, and Mariners. For the second, he instanced in Religion. First, his Mother was a Recusant, and a fosterer of Recusants. Secondly, Papists have honour in his own employments, and Papists Captains are placed by him. And as for Arminians, *York House* is a place of consultation for *Mountague* and others, from whence is like to follow Innovation in Government.

Another in pursuit of the Argument, that Papists were employed by the Duke, named *Dalbeer*, as the man who betrayed our men at the Isle of *Ree*, where all was carried by the advice of private men, and some ill affected in Religion, and in assault before they came away, 500. men were lost, and in the Retreat *Dalbeer* was to make a Bridge, which did so intangle them, as they could make no defence: and all contrary to the advice of the rest of the Commanders.

Sir *Robert Philips* was of opinion to have the Declaration run thus, *We conceive the greatness and power of the Duke of Buckingham is the chief cause of all these evils. We are not in a way of Charge, but of a Remonstrance.*

F est Debate
in the House
against the
Duke.

Sir *John Elliot*, Sir *Edward Cook*, and Mr. *Selden* were positively to name the Duke as the cause of our evils, for so said they he had been already declared in the last Parliament, since when the causes are multiplied, and he hath deserved nothing better of the Commonwealth.

4 *Caroli.*

Sir *John Elliot*.

In this Debate there wanted not Mediators which did desire the House for their own ends and happiness, to be sparing in that kind. Sir *Humphrey May* put them again in mind of the Kings desire, that all personal aspersions might be forborn, that his Majesty will take it as an argument of their moderation and judgment, if they forbear in this.

Sir *Henry Martin* advised that the Remonstrance be so framed, as to make it passable to his Majesties judgment and affection: Let him be perswaded that it comes from a publick fence, and not from private ends. And he vindicated the Duke in point of Religion. 'Tis

Sir *Henry Martin*.

true, said he, his Mother is a Recusant, but never any thing more grieved him, and never did a Son use more means then he to convert her, and he hath no power over her; and for his own Lady whom he found not firm in his Religion, he hath used means to confirm her. As for Arminians, I have often heard him protest, and vow against these Opinions. It is true, many that have skill therein, may have some credit with him, and make use of his noble nature for their own ends. One particular I know well, that some Gentlemen and Preachers of great esteem were questioned for a matter, wherein there was some error in the manner, of which they were presented; I told him of them, and that they were questioned, and he answered me, he would do the best he could for to countenance them.

Sir *Benjamin Rudyard* gave his judgement, that if the matter be urged home, it will proclaim the man lowder then we can in words. If we name excess of Power, and abuse of Power, it will reach to the Duke, and all others in future times: and to a Gentleman of honour nothing is so dear as sense of Honour. I am witness, and do know that he did many great and good Offices to this House. If the forfeiture of my life could breed an Opinion, that ye should have no occasion to complain at your next meeting, I would pawn it to you. Nor let any man say, it is fear makes us desist, we have shewed already what we dare do.

Sir *Benjamin Rudyard*.

And because the imployment of *Dalbeer* had given much offence, Sir *Thomas Jermin* stood up in his defence, and said he had given great evidence of his Trust and Fidelity. When the Count Palatine retired himself, and the Council agreed to send a Party under Count *Mansfield* to make a head, and the King sent word to the Palatine to be present in Person, *Dalbeer* went along with him, with one more, and being in a Village in *Germany*, a Troop of fifty Horse met them. *Dalbeer* went to the Captain and said, we are in a Service, I will give you so many crowns to conduct us, which was done, and *Dalbeer* went along with him.

Sir *Thomas Jermin*.

In conclusion, *June the 13.* it was Ordered upon the Question, that the excessive Power of the Duke of *Buckingham*, is the cause of the Evils and Dangers to the King and Kingdom; And that this be added to the Remonstrance.

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Dr. Lamb killed

At this very time being *June 18. 1628.* Doctor *Lamb*, so called, having been at a Play-house, came through the City of *London*, and being a person very notorious, the Boys gathered thick about him, which increased by the access of ordinary People and the Rabble; they presently reviled him with words, calling him a Witch, a Devil, the Duke's Conjuror, &c. he took Sanctuary in the *Wind-mill Tavern* at the lower end of the *Old Jury*, where he remained a little space; but there being two Doors opening to several Streets out of the said House, the Rout discovering the same, made sure both Doors lest he should escape, and pressed so hard upon the Vintner to enter the House, that he for fear the House should be pulled down, and the Wines in his Cellar spoiled and destroyed, thrust the imaginary Devil out of his House, whereupon the tumult carried him in a croud among them, howling and shouting, crying a witch, a Devil and when they saw a Guard coming by order of the Lord Mayor for the rescue of him, they fell upon the Doctor, beat him and bruised him, and left him for dead; With much ado the Officers that rescued him got him alive to the Counter, where he remained some few houres, and died that night; The City of *London* endeavoured to find out the most active persons in this Riot, but could not finde any that either could, or if they could, were willing to witness against any person in that businesse. This happened to be in Parliament time, and at that instant of time when they were about the Remonstrance against the Duke.

And shortly after, so high was the rage of people, that they would ordinarily utter these words.

Let *Charles* and *George* do what they can,
The Duke shall die like Doctor *Lamb*.

What fine the City underwent for this miscarriage, we shall observe in order of time.

Two days after the Privy Councel writ this ensuing Letter to the Lord Mayor, Aldermen, and Sheriffs of *London*.

A Letter to the
City about Dr.
Lamb's Death.

Whereas we are given to understand, that by the fury and outrage of divers dissolute and disorderly persons assembled together in great numbers, without any resistance made, or course taken to suppress them (by the Magistrates to whom it appertained) one *Lamb* was in a barbarous manner slain and murdered, wherewith his Majesty having been likewise made acquainted, as he is very sensible of the scandal that may hereby be cast upon the Peace and Government of the Realme in general, when the chief City thereof, and where his own Person is resident, should by the remissnesse and neglect of Magistrates, in the Execution of his Laws, suffer a fact and misdemeanour of so high a nature to be committed, and to passe unpunished, So he is very highly displeased thereat, and hath therefore commanded us in his name hereby streightly to charge and require your Lordship, &c. that with all care and diligence you do forthwith enquire out the principal Actors and Abettors therein, and to cause them to be apprehended and committed to Prison, and to be proceeded with, and punished in the severest manner, that by the Laws of the Realme is provided against offenders in so high a nature. And so, &c.

Dr. Neal, & Dr.
Laud suspected
for Arminians.

The Commons at this time voted that Doctor *Neal* Bishop of *Winchester*, and Dr. *Laud* Bishop of *Bath and Wells*, be named to be those near about the

the King who are suspected to be *Arminians*, and that they are justly suspected to be unsound in their opinions that way.

The House was turned again into a Committee concerning the Remonstrance.

And Mr. *Selden* proposed that to the excessive power of the Duke should be added the abuse of that power, & since that abuse is the cause of these evils, that it be presented to his Majesty to consider whether it be safe for the King and Common-wealth, that a man of his power should be so near his Majesty, and it was ordered accordingly. All the parts of the Remonstrance being agreed unto, it was perfected to be presented to the King, being as followeth.

4. Caroli.

Mr. Selden.

The Commons Remonstrance against the Duke.

MOST Dread Sovereign, as with humble thankfulness we your dutiful Commons now assembled in Parliament, do acknowledge the great comfort which we have in your Majesties pious and gracious disposition, so we think it a meet and most necessary Duty, being called by your Majesty to consult and advise of the great and urgent affairs of this Church, and Common-wealth, finding them at this time in apparent danger of ruin, and destruction, faithfully and dutifully to informe your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy Redresse therein, as to your own wisdom (unto which we most humbly submit our selves and our desires) shall seeme most meet and convenient. What the multitude and Potency of your Majesties enemies are abroad? What be their malicious and ambitious ends? and how vigilant and constantly industrious they are in pursuing the same; is well known to your Majesty? Together with the dangers threatned thereby to your sacred Person, and your Kingdomes, and the calamities which have already fallen, and do daily encrease upon your Friends and Allies, of which we are well assured your Majesty is most sensible, and will accordingly in your great wisdom, and with the gravest and most Mature Council, according to the exigencie of the times and occasions, provide to prevent and help the same.

To which end we most humbly intreat your Majesty first, and especially, to cast your eyes upon the miserable condition of this your own Kingdom, of late so strangely weakened and dejected, that unlesse, through your Majesties most gracious wisdom, Goodnesse and Justice, it be speedily raised to a better condition, it is in no little danger to become a sudden Prey to the Enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible Nation in the world. In the discoveries of which dangers, mischiefs, and inconveniences lying upon us, we do freely protest that it is far from our thoughts to lay the least aspersion upon your sacred Person, or the least scandal upon your Government; for we do in all sincerity of our hearts, not only for our selves, but in the Name of all the Commons of the Realme (whom we represent) ascribe as much duty, as a most loyal and affectionate people can do, unto the best King, (for so you are, and so have been pleased abundantly to expresse your self this present Parliament by your Majesties clear and satisfactory answer to our Petition of Right: For which both our selves and our posterity

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shall blesse God for you, and ever p̄serbe a thankful memozy of your great goodnesse and Justice therein.) And we do verily be-
lieve, that all, or most of these things which we shall now present
unto your Majesty, are either unknown unto you, or else by some
of your Majesties Ministers offered under such specious pretences,
as may hide their own ill intentions, and ill consequences of them
from your Majesty. But we assure our selves, according to the
good example of your Majesties Predecessors, nothing can make
your Majesty (being a wise and Judicious Prince, and above all
things desirous of the welfare of your people) more in love with
Parliaments then this, which is one of the principal ends of cal-
ling them, that therein your Majesty may be truly informed of
the State of all the several parts of your kingdome, and how your
Officers and Ministers do behave themselves in the trust reposed
in them by your Majesty, which is scarce able to be made known
unto you, but in Parliament, as was declared by your blessed fa-
ther, when he was pleased to put the Commons in Parliament as-
sembled in minde, that it would be the greatest unfaithfulnesse, and
breach of duty to his Majesty, and of the trust committed to them by
the Countrey that could be, if in setting forth the grievances of the peo-
ple, and the condition of all the parts of this Kingdome from whence
they come, they did not deal clearly with him, without sparing any, how
near and dear soever they were unto him, if they were hurtful, or dan-
gerous to the Common-Wealth.

In confidence therefore of your Majesties gracious acceptation
in a matter of so high importance, and in faithful discharge of our
duties; we do first of all most humbly beseech your Majesty to take
notice, that howsoever we know your Majesty, doth with your soul
abhor, that any such thing should be imagined or attempted; Yet
there is a general fear conceived in your people of secret working
and combination to introduce into this kingdome innovation and
change of our holy Religion, more precious unto us then our lives
and whatever this world can afford. And our fears and jealousies
herein are not merely conjectural, but arising out of such certain and
visible effects, as may demonstrate a true and real Cause; For not-
withstanding the many good and wholesome Lawes, and provi-
sions made to prevent the increase of Popery within this king-
dome, and notwithstanding your Majesties most gracious and
satisfactory answer to the Petition of both Houses in that behalfe,
presented to your Majesty at Oxford. We finde there hath fol-
lowed no good execution nor effect, but on the contrary (at which
your Majesty out of the quick sense of your own religious heart
cannot but be in the highest measure displeased) those of that Reli-
gion do finde extraordinary favours and respect in Court from per-
sons of great quality, and power whom they continually resort
unto, and in particular to the Countesse of Buckingham, who her
self openly professing that Religion is a known favourer and suppo-
rter of them that do the same, which we well hoped upon your Ma-
jesties Answer to the aforesaid Petition at Oxford, should not have
been permitted, nor that any of your Majesties Subjects of that
religion justly to be suspected, should be entertained in the service
of your Majesty, or your royal consort the Queen. Some like-
wise

wise of that Religion have had Honours, Offices, and places of Command and Authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your Loyal Subjects concerning this, is, that Letters of Stay of legal proceedings against them have been procured from your Majesty (by what indirect meanes we know not) And Commissions under the great Seal granted and executed for composition to be made with Popish Reculants, with Inhibitions and restraints both to the Ecclesiastical and temporal Courts and Officers, to intermeddle with them, which is conceived to amount to no less then a toleration, odious to God, full of dishonour and extreame disprofit to your Majesty, of great scandal and griefe to your good people, and of apparent danger to the present State of your Majesty, and of this Kingdome, th. ir numbers, power, and insolency, daily increasing in all parts of your Kingdome, and especially about London, and the Subburbs thereof; where exceeding many families do make their abode publicely, frequent Masse at Denmark House and other places, and by their often meeting and conferences, have opportunities of combining their Counsels, and Strength together, to the hazard of your Majesties safety, and the State, and most especially in these doubtful and calamitous times. And as our fear concerning change or subversion of Religion is grounded upon the daily increase of Papists, the open and professed Enemies thereof for the Reasons formerly mentioned. So are the hearts of your good Subjects no lesse perplexed, when with sorrow they behold a daily growth and spreading of the faction of the Arminians, that being, as your Majesty well knows, but a cunning way to bring in Popery, and the professors of those opinions, the common disturbers of the Protestant Churches, and incendiaries in those States wherein they have gotten any head, being Protestants in shew, but Jesuites in opinion; which caused your Royal Father with so much pious wisdom, and ardent zeale, to endeavour the suppressing of them as well at home, as in the neighbour Countreys. And your gracious Majesty imitating his most worthy example, hath openly, and by your Proclamation declared your dislike of those persons, and of their opinions; who notwithstanding are much favoured and advanced, not wanting friends even of the Clergy near to your Majesty; namely Doctor Neale Bishop of Winchester, and Doctor Lawd, Bishop of Bath and Wells, who are justly suspected to be unsound in their opinions that way. And it being now generally held the way to preferment, and promotion in the Church, many Schollars do bend the course of their Studies to maintain those Errors; Their Books and opinions are suffered to be printed and published, and on the other side the imprinting of such as are written against them, and in defence of the Orthodox Church, are hindered and prohibited, and (which is a boldnesse almost incredible) this restraint of Orthodox Books, is made under colour of your Majesties formerly mentioned Proclamation, the intent and meaning wherof we know was quite contrary. And further to encrease our feares concerning Innovation of Religion, we finde that there hath been no small laboring to remove that which is the most powerful means to

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to strengthen and encrease our own Religion, and to oppose both those, which is the diligent teaching and instruction of the people in the true knowledge, and worship of Almighty God. And therefore means have been sought out to depress and discountenance pious, and painful, and Orthodox Preachers, and how conformable sober, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed, and instead of being encouraged, they are molested with veracious courses, and pursuits, and hardly permitted to Lecture. And in those places where are no constant preaching Ministers, whereby many of your good people (whose souls in this case we beseech your Majesty to commiserate) are kept in ignorance, and are apt to be easily seduced to error, and superstition: It doth not a little also encrease our dangers and fears this way, to understand the miserable condition of your Kingdome of Ireland; where, without controul, the Popish Religion is openly confessed, and practised in every part thereof, Popish Jurisdiction being there generally exercised and abused, Monasteries, Nunneries, and other superstitious Houses newly erected, re-edified and replenished with men and women of several Orders, and in a plentiful manner maintained at Dublin, and most of the great Towns, and divers other places of the Kingdome; which of what ill consequence it may prove, if not seasonably repressed, we leave to your Majesties wisdom to Judge. But most humbly beseech you (as we assure our selves you will) to lay the serious consideration thereof to your royal and pious heart, and that some speedy course may be taken for redresse therein.

And if now to all these your Majesty will be pleased to adde the consideration of the circumstances of time, wherein these courses tending to the destruction of true Religion, within these your Kingdomes, have been taken here, even then when the same is with open force and violence prosecuted in other Countreys, and all the reformed Churches in Christendome, either depressed or miserably distressed: We do humbly appeal unto your Majesties princely Judgement, whether there be not just ground of feare that there is some secret and strong co-operating here with the enemies of our Religion abroad, for the utter extirpation thereof? and whether if those courses be not speedily redressed, and the profession of true Religion more encouraged, we can expect any other but misery and ruine speedily to fall upon us? especially, if besides the visible and apparent dangers wherewith we are compassed about, Men would be pleased to remember the displeasure of Almighty God, always bent against the neglect of his holy Religion, the strokes of whose divine Justice we have already felt, and do still feeble with smart and sorrow in great measure.

And besides this feare of Innovation in Religion, we do in like faithful discharge of our duties, most humbly declare to your Majesty, that the hearts of your people are full of feare of Innovation and change of Government, and accordingly possessed with extreame griefe and sorrow; Yet in this point by your Majesties late Answer to our Petition of Right touching our Liberties

ties, much comforted, and raised againe out of that sadnesse and discontent, which they generally had conceived throughout the whole Kingdome, for the undue courses which were the last year taken for raising of moneys by loanes, then which (whatsoever your Majesty hath been informed to the contrary) there were never any moneys demanded, nor paid with greater grief and general dislike of all your faithful Subjects; though many, partly out of feare, and partly out of other respects (yet most unwillingly) were drawn to yeeld to what was required.

The Billeting of Souldiers did much augment both their fears and grief, wherein likewise they finde much comfort upon your gracious Answer to our petition of Right, and to that we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may informe you, that the still continuance, and late re. enuoying of these Souldiers, the conditions of their persons (many of them not being Natives of this Kingdome, nor of the same, but of an opposite Religion) the placing of them upon the Sea Coast, where making head amongst themselves, they may unite with the Popish party at home if occasion serbe, and joyne with an invading enemy to do extreame mischief; and that they are not yet dismissed, doth still minister cause of Jealousie in your loving Subjects; for that the Souldiers cannot be continued without exceeding great danger of the peace and safety of your Kingdom.

The report of the strange and dangerous purpose of bringing in German Horse and Riders, would have turned our doubts into Despaire, and our feares into a certainty of confusion, had not your Majesties gracious message (for which we humbly give you thanks) comforted us, by the assurance of your Royal word, that they neither are, nor were intended by your Majesty, for any service in England; but that they were designed for some other forreigne employment. Yet the sight of the Briby Sea'e by which it seemeth they were to be leavied, the great summe of money, which upon examinations we found to be paid for that purpose, gave us just cause of feare, That much about the same time there was a Commission under the Great Seal granted unto the Lords, and others of the Privy Councel, to consider of other ways for raising of moneys, so particularly by impositions, gave us just cause to suspect, that whatsoever was your Majesties gracious intention, yet there wanted not those that under some colourable pretence might secretly by this, as by other wayes, contrive to change the frame both of Religion and Government, and thereby undermine the safety of your Majesty, and your Kingdomes.

These men could not be ignorant that the bringing in of Strangers for aid, hath been pernicious to most States, where they have been admitted, but to England fatal. we do blesse God that hath given your Majesty a wise understanding heart to discern of those courses, and that such power produceth nothing but weakness, and calamity. And we beseech your Majesty to pardon the vehemencie of our expression, if in the Loyal and zealous af-

fections

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sections we bear to your Majesty and your service, we are bold to declare to your Majesty, and the whole world, that we hold it far beneath the heart of any free English man to think, that this victorious Nation should now stand in need of German Souldiers to defend their own King and kingdom.

But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful Councel, and free Aids of your people, by taking off Tunnage and poundage, without graunt thereof by Act of Parliament, ever since the beginning of your Majesties Reigne to this present, The standing Commission granted to the Duke of Buckingham to be general of an Army in the Land in the time of peace, the discharging of faithful and sufficient Officers and Ministers, some from Judicial places, and others from the Offices and authorities which they formerly held in the Commonwealth; We cannot but at the sight of such an apparant desolation as must necessarily follow these courses, out of the depth of sorrow lift up our eyes to heaven for help, and next under God apply our selves unto your sacred Majesty, who if you could hear so many thousands speaking together, do joyntly imploze speedie help and Reformation.

And if your Majesty would be pleased to take a further view of the present state of your Realme, we do humbly pray you to consider, whether the miserable disasters, and ill success that hath accompanied all your late designs, and actions, particularly those of Calles, and the Isle of Ree, and the last expedition to Rochel, have not extreamely wasted that stock of Honor that was left unto this kingdome, sometimes terrible to all other Nations, and now declining to contempt beneath the meanest.

Together with our Honours, we there lost those (and that not a few) who had they lived, we might have some better hope of recovering it again, our valliant and expert Collonels, Captaines and Commanders, and many thousand common Souldiers and Barriners, Though we have some cause to think that your Majesty is not as yet rightly informed thereof, and that of six or seven thousand of your Subjects lost at the Isle of Ree, Your Majesty received information but of a few hundredes. And this dishonour and losse hath been purchased with the consumption of aboue a million of Treasure.

Many of the Forts are exceeding weak, and decayed, and want both men and Munition. And here we cannot but with grief consider and complaine of a strange improbidence (we think your Majesty will rather call it treacherie) That your store of powder which by order of your Privy Councel, dated the tenth of December, 1626. should be constantly three hundred Last, besides a continual supply of twenty Last a month for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the present Warrants being served) but nine Lasts and forty eight pounds in all, which we tremble to think of. And that notwithstanding this extreame scarcity of powder; great quantities have been permitted to be sold out of your Majesties Store,

to

to particular persons for private Gain; Whereof we have seen a certificate, six Last sold thence the 14th. of January last, and your Majesties store being unfurnished of powder, which by a contract made with Mr. Evelyn by advise of your Lords in Parliament, ought to be supplied monthly with twenty last at the rate of three pound, ten shillings, ten pence a Barrel; Your Majesty hath been forced to pay above seven pound a Barrel for powder to be brought in from beyond Seas, for which purpose twelve thousand four hundred pounds was impressed to Mr. Burlemack the last year, and that powder not so good as that by Contract your Majesty should have, by one third part; All which are most fearful and dangerous abuses. But what the poverty, weaknesse, and misery of your kingdom is now grown unto by decay of Trade, and destruction, and losse of Ships and Marriners, within these three years; we are almost afraid to declare; And could we by any other means have been sure, that your Majesty should any other way have had a true Information thereof, we should have been doubtful to have made our weaknesse, and extremitie of misfortune in this kinde, to appear; But the importunate and most pitiful complaints from all the parts of the kingdom near adjoining to the Sea in this kinde, would rend, as we think, the stoniest heart in the world with sorrow, and the sense we have of the miserable condition your Kingdom is in by reason thereof, especially, for that we see no possible means (being now shortly to end this Session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to expresse it; But for your Majesties more exact information therein; We beseech you be pleased to peruse the Kalender of particulars which with the Remonstrance, we most humbly present unto your Majesty.

One reason amongst many of this decay of Trade, and losse of Ships and Marriners is: the not guarding of the narrow Seas, the regality whereof your Majesty hath now in a manner wholly lost, being that wherein a principal part of the Honor and safety of this Kingdom heretofore consisted; And now having absolutely neglected it, the Town of Dunkirk doth so continually rob and spoile your Subjects, that we can assure your Majesty (if some present and effectual remedy be not forthwith provided) the whole Trade of this Kingdom, the shipping, marriners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers, we conceive to be the excessive power of the Duke of Buckingham, and the abuse of that power: And we humbly submit unto your Majesties excellent Wisdom, whether it be safe for your self, or your Kingdom, that so great power as rests in him by Sea and Land, should be in the hands of any one Subject whatsoever.

And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weightie affaires of the Kingdom as he hath undertaken, besides the ordinary duties of those offices which he holds, some of which well performed, would require the time and industry of the ablest men both of Counsel and Action, that your whole Kingdom will afford,

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affoord, especially in these times of common danger.

And our humble desire is further, that your most excellent Majesty will be pleased to take into your Princely consideration, whether in respect the said Duke hath so abused his power, it be safe for your Majesty and your Kingdom, to continue him either in his great Offices, or in his place of nearness and Council about your sacred Person.

And thus in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true Religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Common-wealth; we have endeavoured with faithfull hearts and intentions, and in discharge of the duty we owe to your Majesty and our Country, to give your Majesty a true Representation of our present danger, and pressing calamities, which we humbly beseech your Majesty graciously to accept, and take the same to heart, accounting the safety and prosperity of your people, your greatest happiness, and their love, your Richest Treasure. A ruful and lamentable spectacle we confess it must needs be, to behold those Ruines in so fair an House. So many diseases, and almost every one of them deadly, in so strong and well tempered a body as this kingdom lately was. But yet we will not doubt, but that God hath reserved this Honor for your Majesty, to restore the safety and happiness thereof, as a work worthy so excellent a Prince, for whose long life and true felicity, we daily pray, and that your fame and never dying Glorzy may be continued to all succeeding Generations.

The Speaker
appointed to
deliver the Re-
monstrance.

Hereupon a Message was sent to his Majesty, desiring access to his Person with the Remonstrance, and the Speaker was appointed to deliver it, who much desired to be excused, but the House would not give way thereunto. The House also sent up the Bill of Subsidy unto the Lords. Soon after the King sends a Message by Sir Humphrey May, that he means to end this Session on the 26. of June, whereupon the Commons fall upon the Bill of Tunnage and Poundage. In the mean time this ensuing Order concerning the Duke was made in the Star-chamber upon the signification of his Majesties pleasure;

*In Interiori Camera Stellæ 16. Junii, Anno quarto
Caroli Reg.*

Order in Star-
Chamber con-
cerning the
Duke.

“ Forasmuch as his Majesty hath been graciously pleased to signifie
“ unto his Highness Attorney General, that his Royal pleasure is,
“ that the Bill or information Exhibited into this Court, against the
“ Right Honourable George Duke of Buck. for divers great offences,
“ and misdemeanours objected against him (for that his Majesty is fully
“ satisfied of the innocency of that Duke in all those things mentioned in
“ the said information, as well by his own certain knowledge, as by the
“ proofs in the Cause) shall therefore together with the said Dukes
“ Answer thereunto, and all other proceedings thereupon, be taken
“ off the File, that no memory thereof remain of Record against him,
“ which may tend to his disgrace. It is therefore Ordered, that the said
“ Information or Bill, the Answer thereunto, and all other Proceed-
ings

“ings thereupon, be forthwith taken from the File, by his Majesties
“said Attorney General, according to his Majesties pleasure therein to
“him signified under his hand, and now remaining in the custody of
“the Register of this Court.

4 *Caroli.*

Dated this present 16. day of *June*, 4. *Caroli*
Exam. per Jo. Arthur.

A

16. *Junii* 1628.

ON this very day the Duke signified unto the House, that he is
informed that one Mr. *Christopher Eukener* of the House of
Commons, hath affirmed that his Grace did speak these words at his
own Table. *Viz. Tush, it makes no matter what the Commons or Parliament*
doth, for without my leave and authority, they shall not be able to touch the
hair of a Dogg. And his Grace desired leave of their Lordships, that he
might make his Protestation in the House of Commons concerning that
speech. And to move them, that he which spake it of him, being a
Member of that House, might be commanded to justify it, and his Grace
heard to clear himself.

The Duke de-
sires to clear
himself con-
cerning some
words.

B

Their Lordships considering thereof, ordered that the Duke shall be left
to himself to do herein what he thinks best in the House of Commons.
Whereupon the Duke gave their Lordships thanks, and protested up-
on his Honour, that he never had those words so much as in his
thoughts. Tho which protestation the Lords Commanded to be entred,
that the Duke may make use thereof as need shall be.

C

The Duke also charged one Mr. Melvin for speaking words against him.
Viz.

D

First, That *Melvin* said, That the Dukes plot was that the Parlia-
ment should be dissolved, and that the Duke and the King with a great
Army of Horse and Foot, would war against the Commonalty, and
that *Scotland* should assist him so that when war was amongst our selves,
the Enemy should come in, for this Kingdom is already sold to the E-
nemy by the Duke.

E

2. That the Duke had a stronger Council then the King, of which
were certain Jesuites Scotchmen, and that they did sit in Council
every night, from one of the clock till three.

3. That when the King had a purpose to do any thing of what conse-
quence soever, the Duke could alter it.

4. That when the Ordnance were shipt at St. *Martins*, the Duke
caused the Souldiers to go on that they might be destroyed.

5. That the Duke said he had an Army of 16000. Foot, and
1200. Horse.

6. That King *James* his blood, and Marquess *Hamiltons*, with others
cries out for vengeance to heaven.

F

7. That he could not expect any thing but ruine of this King-
dom.

8. That Prince *Henry* was poisoned by Sir *Thomas Overbury*, and he
himself served with the same sauce, and that the Earl of *Somerset* and
others could say much to this.

9. That he himself had a Cardinal to his Uncle or near Kinsman,
whereby he had great intelligence.

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The Commission for Excise cancelled.

About the same time the Lord Keeper reported to the House of Lords what his Majesty said, touching the Commission of Excise.

Viz.

That their Lordships had reason to be satisfied with what was truly and rightly told them by the Lords of the Council, that this Commission was no more but a warrant of advice, which his Majesty knew to be agreeable to the time, and the manifold occasions then in hand, but now having a supply from the loves of his people, he esteems the Commission useless; and therefore though he knows no cause why any jealousy should have risen thereby, yet at their desires he is content it be cancelled, and he hath commanded me to bring both the Commission and Warrant to him, and it shall be cancelled in his own presence.

The day following, the Lord Keeper reported that his Majesty had cancelled the Commission, and the Warrant for putting the Seal thereunto, and did there openly shew it, and a Message was sent to the Commons to shew them the said cancelled Commission and Warrant.

The Commons resume again the Debate upon the Bill of Tunnage and Poundage; Whereupon Mr. Selden said, Whereas the Kings Council objected, that 1. Eliz. saith, It was Granted time out of mind to the King, I fear his Majesty is told so, and some body doth ascertain him so: But we may clear that, for not only 1. Eliz. but also in the Statute of 1. Jac. the word time out of mind is, That whereas H. 7. and other his Majesties Progenitors have had some Subsidy for the guarding of the Seas, And that there was never a King but had some Subsidie, in that sense it is indeed time out of mind. Yet is it a matter of free gift: for publique Bills the King saith, *Le Roy se veut*, for Petitions of Right, *Soit droit fait come est desire*.

For the Bill of Subsidies it is thus, the King heartily thanking the Subjects for their good wills; In all the Bills of Tunnage and Poundage is the very same Answer, save one, which was 1. Eliz. and but for that only mistake of the Clerk, it hath ever the same assent as the Bill of Subsidie.

Upon this Debate it was Ordered that a Committee be appointed to draw a Remonstrance to his Majesty, of the peoples Rights, and of the undue taking of Tunnage and Poundage, and Impositions, without Act of Parliament, and to shew the Reasons why the House cannot in so short a time prepare that Bill.

The Remonstrance was as followeth,

The Commons Remonstrance of Tunnage and Poundage.

Most Gracious Sovereign, Your Majesties most Loyal and Dutiful Subjects, the Commons in this present Parliament assembled, being in nothing more careful, then of the Honor and Prosperity of your Majestie, and the kingdom, which they know do much depend upon that happie union, and relation betwixt your Majestie and your people, do with much sorrow apprehend, that by reason of the incertaintie of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majestie hath determined to end this Session, they cannot bring to maturitie and perfection, divers businesses of weight, which they have taken into

into their consideration and resolution, as most important for the common good; Amongst other things they have taken into especial care the preparing of a Bill, for the Granting of your Majesty such a Subsidie of Tunnage and Poundage, as might uphold your Profit and Revenue in as ample a manner, as their just care and respect (to Trade) wherein not only the Prosperity, but even the Life of the Kingdom doth consist) would permit.

A But being a work which will require much time, and preparation by conference with your Majesties Officers, and with the Merchants not only of London, but of other remote parts, they find it not possible to be accomplished at this time; wherefore considering it will be much more prudent to the right of the Subject, if your Majesty should continue to receive the same without Authority of Law, after the Determination of a Session, then if there had been a Recess by Adjournment only, In which case that intended Grant would have related to the first day of the Parliament;

B And assuring themselves that Your Majesty is resolved to observe that Your Royal Answer, which you have lately made to the Petition of Right of both Houses of Parliament; Yet doubting least Your Majesty may be misinformed concerning this particular case, as if you might continue to take those Subsidies of Tunnage and Poundage, and other Impositions upon Merchants, without breaking that Answer, they are forced by that dutie which they owe to Your Majesty, and to those

C whom they represent, to declare, That there ought not any Imposition to be laid upon the Goods of Merchants, Exported or Imported, without common consent by Act of Parliament, which is the right and inheritance of your Subjects, founded not only upon the most Ancient and Original constitution of this Kingdom, but often confirmed and declared in divers Statute Laws.

D And for the better manifestation thereof, may it please Your Majesty to understand, that although Your Royal Predecessors the Kings of this Realm have often had such Subsidies, and Impositions Granted unto them, upon divers occasions, especially for the guarding of the Seas, and safeguard of Merchants; Yet the Subjects have been ever careful to use such Cautions, and Limitations in those Grants, as might prevent any claim to be made, that such Subsidies do proceed from duty, and not from the free gift of the Subject; And that they have heretofore used to limit a time in such Grants, and for the most part but short, as for a year or two, and if it were continued longer, they have sometimes directed a certain space of Cessation, or intermission, that so the right of the Subject might be more evident.

E At other times it hath been Granted upon occasion of War, for a certain number of years with Proviso, that if the War were ended in the mean time, then the Grant should cease. And of Course it hath been sequestred into the hands of some Subjects to be employed for the guarding of the Seas. And it is acknowledged

F by the ordinary Answers of your Majesties Predecessors in their Assent to the Bills of Subsidies of Tunnage and Poundage, that it is of the nature of other Subsidies, proceeding from the good will of the Subject; Very few of your Predecessors had

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had it for life, untill the Reign of H. 7. who was so far from conceiving he had any right thereunto, That although he granted Commissions for collecting certain duties and Customs due by Law, yet he made no Commissions for receiving the Subsidie of Tunnage and Poundage, untill the same was granted unto him in Parliament. Since his time all the Kings and Queens of this Realm have had the like Grants for life by the free love and good will of the Subjects. And whensoever the people have been grieved by laying any Impositions or other Charges upon their goods and Merchandises without authority of Law (which hath been very seldom) Yet upon complaint in Parliament they have been forthwith relieved, saving in the time of your Royal Father, who having through ill Council raised the Rates and Charges upon Merchandises to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his people, as to offer, that if the value of those Impositions which he had set might be made good unto him, He would binde himself and his Heirs by Act of Parliament never to lay any other, which offer, the Commons at that time in regard of the great burden, did not think fit to yield unto. Nevertheless, your Loyal Commons in this Parliament, out of their especial zeale to your Service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a Grant of Subsidie of Tunnage and Poundage to your Majesty, that both you might have been the better enabled for the defence of your Realm, and your Subjects, by being secure from all undue Charges, be the more encouraged chearfully to proceed in their course of Trade, by the increase whereof your Majesties Profit, and likewise the strength of the Kingdom would be very much augmented.

But not being now able to accomplish this their Desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their Countrey, save onely to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions not granted by Parliament, is a breach of the Fundamental Liberties of this Kingdom, and contrary to your Majesties Royal answer to the said Petition of Right. And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same, and not to take it in ill part from those of your Majesties loving Subjects, who shall refuse to make payment of any such Charges, without Warrant of Law demanded.

And as by this forbearance, your most excellent Majesty shall manifest unto the world, your Royal Justice in the observation of your Laws: So, they doubt not, but hereafter at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesties Honor and Profit.

Mr. Noy.

MR. Noy after the reading hereof, moved the House that his Majesty might be requested, that the Merchants might ship their goods without a Cocker, otherwise they do forfeit their goods.

June 26. The Speaker being sent for to the King at *Whitehall*, came not into the House till about nine a clock. And after Prayers, the Remonstrance concerning Tunnage and Poundage being ingrossed, was a reading in the House, and while it was a reading, the King sent for the Speaker, and the whole House, and the King made a Speech as followeth.

4. Caroli.

The K. ends this Session in person, and declares the reason.

A " I may seem strange that I came so suddenly to end this Session; before I give my assent to the Bills, I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the House of Commons gave me a Remonstrance, how acceptable, every man may judge, and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.

B " Now since I am truly informed, that a second Remonstrance is preparing for me to take away the profit of my Tunnage and Poundage, one of the chiefest maintenances of my Crown, by alleadging, I have given away my right thereto by my Answer to your Petition.

C " This is so prejudicial unto me, that I am forced to end this Session some few hours before I meant, being not willing to receive any more Remonstrances, to which I must give a harsh Answer. And since I see that even the House of Commons begins already to make false constructions of what I granted in your Petition, least it be worse interpreted in the Countrey, I will now make a Declaration concerning the true intent thereof.

D " The profession of both Houses in the time of hammering this Petition, was no ways to trench upon my Prerogative, saying they had neither intention or power to hurt it. Therefore it must needs be conceived, that I have granted no new, but only confirmed the Antient Liberties of my Subjects. Yet to shew the clearness of my intentions, that I neither repent, nor mean to recede from any thing I have promised you, I do here declare my self, that those things which have been done, whereby many have had some cause to expect the Liberties of the Subjects to be trenched upon, which indeed was the first and true ground of the Petition, shall not hereafter be drawn into example for your prejudice, and from time to time, in the word of a King, ye shall not have the like cause to complain. But as for Tonnage and Poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me I am sure to grant.

E " To conclude, I command you all that are here to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition; But especially, you my Lords the Judges, for you only under me belongs the interpretation of Laws, for none of the Houses of Parliament, either joint or separate, (what new Doctrine soever may be raised) have any power either to make, or declare a Law without my consent.

F After this Speech ended, the Bill of Subsidie was delivered to the Speaker, standing at the Bar in the Lords House, who made a short Speech, and shewed, that it was the greatest gift that ever was given in so short a time. And so craving pardon for the errors of the House, and his own (which he knew to be very many) he desired the King to give his Royal Assent.

The

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The King came so suddenly and unexpectedly to the House, that the Lords were not in their Robes, and the Commons had given no direction or Order for the Speaker to deliver the Bill of Subsidies, Neither was it brought down to the Commons House, as it was used, but the Bills were read, and the Bill for the Sabbath, for Recusants children, for Alehouse-keepers, for continuance of Statutes, for the Clergies Subsidie, for the Lay of Subsidie, all passed. But for the Bill for explanation of the Statutes 3. Jac. about Leases of Recusants Lands, The King said, that in this short time he had not time sufficient to consider thereof, but he said he found many Errors therein, though the Title be faire, and if at the next meeting they would amend those Errors, it should pass.

Many private Bills passed also, and after they were all read, their Titles and the Kings Answer to them, which to the publique Bills was *Le Roy le veult*, to the private, *Soit fait come il est desire*.

The Lord Keeper said, it is his Majesties pleasure that this Session now end, and that the Parliament be prorogued till the twentieth of October next.

At this Parliament which begun at Westminster the 17. of March Anno Regni R. Caroli 3. These Acts were passed.

First, *An Act for further reformation of sundry Abuses committed on the Lords day called Sunday.*

2. *The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, concerning divers Rights and Priviledges of the Subject, with the Kings assent thereunto in full Parliament.*

3. *An Act for repressing of all unlicenced Alehouses.*

4. *An Act to restrain the sending over of any to be popishly bred beyond the Seas.*

5. *An Act for establishing of Suttons Hospital, &c.*

6. *An Act for the Establishing of the Tenants Estates of Bromfield and Yale in the County of Denbigh, &c.*

7. *An Act for the continuance and repeal of divers Statutes, &c.*

9. *An Act for five entire Subsidies granted by the Clergy.*

10. *An Act concerning the Title, &c. of Earl of Arundel, and for the annexing of the Castle of Arundel, and other Lands, to the said Title of Earl of Arundel.*

11. *An Act to assure the Joynture of the Lady Francis Nevil, and to enable the Lord Abergavenny to sell Lands.*

12. *An Act concerning the Lands of William Earl of Devon.*

13. *An Act to confirm the Estates of the Lord Morlies Tenants in Tatham and Gressingham.*

14. *An Act for reestating of Lands of William Morgan Esq; and discharging the trust concerning them.*

15. *A Declararation of the Commons against Doctor Manwaring.*

16. *An Act to enable Dutton Lord Gerrard to make a Joynture to any Wife, that he shall hereafter marry, and to provide for younger children, and the securing of Portions for Alice, Frances, and Eliz. Gerrard, sisters of the said Lord Gerrard.*

17. *An Act for restitution in blood of Carew Rawleigh Esq; and to confirm Letters Patents made to the Earl of Bristol by King James.*

18. *An*

18. *An Act for the Naturalizing of Isaac Ashley, Henry Ashley, Thomas Ashley, and Bernard Ashley, sons of Sir Jacob Ashley Knight.*

4 Caroli.

19. *An Act for Naturalizing of Samuel Powel.*

20. *An Act for the naturalizing of Alexander Levingston, Gent.*

21. *An Act for the naturalizing of John Trumbal, and of William Beere, Edward Beer, and Sidney Beere, and Samuel Wentworth.*

22. *An Act for the amendment of a word miswritten in an Act made An. 21. Jac. R. to enable Vincent Lowe Esq. to sell Lands, &c.*

A 23. *An Act for naturalizing of Sir Robert Ayton Knight.*

24. *An Act for confirmation of Letters Patents made by King James to John Earl of Bristol.*

25. *An Act for naturalizing of John Aldersey, Mary Aldersey, Anne Aldersey, Eliz. Aldersey, and Margaret Aldersey, &c.*

26. *An Act for the naturalizing of Daniel Delingue Knight.*

27. *An Act for the naturalizing of Sir. Robert Dyel Kt. and George Kirk Esquire.*

B 28. *An Act for the naturalizing of James Freese.*

In the Interval between the two Sessions, there happened many remarkable passages.

C **D**OCTOR Manwaring's Sermons intituled *Religion and Allegiance* were suppressed by Proclamation, the King declaring that though the grounds thereof were rightly laid, to perswade obedience from Subjects to their Sovereign, and that for conscience sake; yet in divers passages, inferences, and applications thereof, trenching upon the Laws of this Land, and proceedings of Parliaments, whereof he was ignorant, he so far erred, that he had drawn upon himself the just censure and sentence of the High Court of Parliament, by whose judgement also that Book stands condemned; Wherefore being desirous to remove occasions of scandal, he thought fit that those Sermons in regard of their influences and applications be totally suppressed.

Dr. Manwaring's Sermon suppressed by Proclamation.

D Then a Proclamation came forth declaring the Kings pleasure for proceedings with Popish Recusants, and directions to his Commissioners for making compositions for two parts of three of their Estates, which by Law were due to his Majesty; neverthelesse (for the most part) they got off upon easie terms by reason of compositions at undervalues, and by Letters of Grace and protection, granted from time to time to most of the wealthiest of them.

A Proclamation and commission concerning composition with Recusants.

E This was seconded with another Proclamation commanding that diligent search be made for all Priests and Jesuites (particularly the Bishop *Calcedon*) and others that have taken Orders by authority from the See of *Rome*, that they be apprehended and committed to the Goale of that County where they shall be found, there to remaine without Bayle or Mainprize till they be tryed by due course of Law, and if upon trial and conviction there shall be cause to respite the execution of any of them, they shall not lie in the Common Goals, much lesse wander about at large, but according to the example of former times be sent to the Castle of *Witch*, or some other safe prison, where they shall remain under strait and close custody, and be wholly re-

A Proclamation against the Bishop of *Calcedon*.

Ac. 1628. strained from exercising their function, and spreading their superstitious and dangerous doctrines.

Hereupon the Privy Council wrote to the Bishop of *Ely* a Letter of the tenour following;

Romish Priests
to be sent to
Wisbitch.

“ **W** Hereas his Majestie hath beene informed, that the Romish Priests, Jesuites and Seminaries lurking in this Kingdome, do obstinately and maliciously continue their wonted practises to supplant the true Religion established, and to seduce his people from obedience, stirre up sedition, and subvert the State and Government so far as it lieth in their power, his Majesty hath therefore commanded us to signifie unto your Lordship, that it is his expresse will and pleasure according to his Declaration in Parliament, and his Royal Proclamation since published, you shall forthwith prepare and make ready the Castle of *Wisbitch*, in the Isle of *Ely* to receive and lodge all such Priests, Jesuites and Seminaries, and other prisoners, as shall be hereafter sent thither, and there treat and governe them according to such instructions and directions as shall be prescribed by this board.

Jesuites taken
at *Clerkenwell*,
ordered to be
proceeded a-
ginst.

The Jesuites taken in *Clarken-well* being then in several prisons, it was ordered by the Council they should all be removed to *Newgate*, and such of them as were not as yet convicted and condemned, should be proceeded against untill they were condemned, and then that they all should be sent to the Castle of *Wisbitch* according to the Proclamation in that behalf, and the Attorney General was required to take course to entitle the King to the goods taken in the house which was designed for a Colledge; and accordingly they were proceeded against, and but onely one convicted, which proceeding was questioned in the ensuing Session of Parliament.

Order to search
what Recu-
sants are about
London.

And upon Information, that there was a greater concourse of Recusants in or near *London* then had been usual at other times, the Privy Council sent to the Lord Mayor to require him to cause diligent search to be made, within the City and Liberties thereof, and to finde out what Recusants did inhabit or remaine there as House-keepers, Inmates, or Lodgers, or in any manner, and to return a certificate to the board, both of their names and qualities, distinguishing which were Tradesmen that were there by occasion of their Trades according to the Statute in that behalf, and which were of no Trade, but resorted thither from other parts of the Kingdom.

Sir Richard
Weston and
Bishop *Laud*
advanced.

July 15. (being *St. Swithins* day) Sir *Richard Weston* Chancellor of the *Exchequer* was made Lord Treasurer of *England*, and the same day was Bishop *Laud* translated to the Bishoprick of *London*.

Mr. *Montague*
advanced, and
his *Appello Ca-*
sarem called in.

About the same time, Master *Montague* formerly mentioned, was designed to the Bishoprick of *Chichester* upon the decease of Bishop *Carleton*. Neverthelesse his *Appello Casarem* was thought fit to be called in, the King declaring that out of his care to maintain the Church in the unity of true Religion, and the bond of peace, to prevent unnecessary disputes, he had lately caused the Articles of Religion to be reprinted, as a rule for avoiding diversities of opinions, and considering that a Book written by *Richard Montague* now Bishop of *Chichester* intituled *Appello Casarem* was the first cause of thole disputes and differences,

ences, which since have much troubled the quiet of the Church, he would take away occasion, by commanding all persons that had any of those Books in their hands to deliver them to the Bishop of the Diocese, or if it be in either Universities to the Chancellor and Vice-Chancellor thereof, who were commanded to suppress them. And if any by preaching, reading, or making of Books *pro* and *contra* concerning those unnecessary questions shall revive the difference, he was resolved to take such order with them, and those Books; as they shall with they had never thought upon those needlesse Controversies.

But ere this Proclamation was published, the Books were for the most part vented and out of danger of seizure, and the suppressing of all writing and preaching in Answer thereunto, was (it seems by some) the thing mainly intended; for the several answers made by Doctor Featly, and Doctor Goad, in their parallels, by Master Burton, Master Ward, Master Yates, Master Votton, as also by Francis Rows Esq; in a Book called King James his Religion, were all suppressed, and divers of the Printers questioned in the high Commission.

Moreover Bishop Montague, and Doctor Manwaring procured a Royal pardon of all Errors heretofore committed by them, either in speaking, writing, or printing, for which they might be hereafter questioned; And Doctor Manwaring censured by the Lords in Parliament, and perpetually disabled from future Ecclesiastical preferments in the Church of England, was immediately presented to the Rectory of *Stamford-Rivers* in *Essex*, and had a dispensation to hold it, together with the Rectory of *St. Giles* in the fields.

The Town of *Rochel* was at this time straitly beleagured by the French King, and the King of England had prepared a Fleet to relieve it, under the Command of the Duke of Buckingham, who being advanced as farre as *Portsmouth*, on Saturday, August 23. being *Bartholomew Eve*, was suddenly slain in his own Lodgings there, by one Lieutenant Felton, about nine in the morning, who with one blow, having got a knife for the purpose, struck the Duke under the left rib, and up into the heart, leaving the knife in his body, and got away undiscovered. In the fall to the ground, the Duke was heard to say, *The villaine hath killed me!* Company coming presently in found him weltring in his blood, and each person looking upon another marvelled who should do so horrid an act, a jealousy was presently had of Monsieur Sobeez who was then there labouring for speedy relief to be sent to *Rochel*, but he protesting his innocency, Felton immediately stepped out, and said, *I am the man that did the deed, let no man suffer that is innocent;* whereupon he was immediately apprehended, sent to London and there imprisoned. The King was within four miles of *Portsmouth*, when the news was brought him of the death of the Duke, he bid secure the murderer, and Bishop Laud had advertisement of his death the 24th. of August. being then at *Croiden* with Bishop Neal, and other Bishops consecrating Bishop Montague for *Chichester*.

Norwithstanding the death of the Duke, the King pursued the design of relieving *Rochel*, and again set out a Fleet with provision and fire-ships to put relief into the Town; the Fleet went from *Plymouth* the beginning of September, did several times attempt the *Barricado*, but in vaine, and so was enforced to give over any further attempt, which the *Rochellers* perceiving, gave themselves for lost, and immediately

4. *Caroli.*

Presching and Writing, *pro* & *con* about unnecessary questions prohibited.

A pardon granted to Dr. Manwaring, & Dr. Montague.

Rochel close besieged and relief designed.

The Duke slain.

Dr. Montague consecrated Bishop.

Rochel again attempted to be relieved, but in vaine.

Aug. 1628.

The condition of *Rochel* at the surrender.Defects in the relief of *Rochel* questioned.On the 22^d committed by out-riders.

A view sent of some great engines.

The King of Denmark and the united Provinces.

came to a capitulation, upon very mean termes as to themselves; yet *Leues* King of *France* was careful by Articles (had they been performed) that those outrages should not be committed upon the entry of the Town (which the few remaining inhabitants were much afraid of, and afterwards felt) and so mixt mercy with his conquest, yet presently after high outrages were committed, and great was the persecution of the Reformed Churches, which constrained them again to send to the King of *England* to implore aid with these expressions, *that what they writ was with their teares and their blood*, but the treaty being shortly after made between the two Crowns; all things were settled in peace between the King and those of the reformed Religion.

Concerning the state of *Rochel* at the surrender, we have seen a Relation to this purpose, that the misery of the besieged was almost incredible, having lived long upon Horse-flesh, Hides, and Leather, Dogs and Cats, hardly leaving a Horse alive, still in hopes that the relief promised from *England* would prove effectual to them; they held it so long till they were but about four thousand left alive of fifteen thousand souls, most of them died with famine, and when they begun to be pinched with the extremity of hunger they died so fast that they usually carried their Coffins into the Church-yard, and other places, and there laid themselves in and died, great numbers of them being unburied; when the forces of the King of *France* entred the Town, and many corps eaten with Vermin, Ravens and Birds.

The Fleet which thus put to sea for the Relief of *Rochel* was defective, both in victuals, which was tainted, and in tacklin, and other materials, insomuch as at the return thereof, information being given to the King and Council of divers defaults and defects in the said ships, victuals and provision of this and the former expedition to *Rochel*; and in the discipline and performance of Commands and resolutions taken in that action to the great prejudice of the service; it was ordered that the Earls of *Denbigh*, *Linsay*, and *Morton*, and the Lord *Wilmott*, and Master Secretary Cook should forthwith meet together, and consider of the Relation made by the Earl of *Linsay*, and inform themselves of defaults in the particulars before mentioned, and make report thereof to the Board. The *Scots* under the command of the Earl *Morton*, and some *Irish* also, were sent to quarter in the Isle of *Wight*, which Island was unacquainted with the quartering of Forreigners.

In *Essex* many robberies and outrages were committed by the Souldiers then returned from Sea. Whereupon the Privy Councillors required the Justices of Peace in that County to choose a Provost Marshal for the apprehending of all such as wandred up and down the Country, or behaved themselves disorderly, that they might be punished according to Law, and to cause strong guards and watches to be kept in all passages.

And upon advertisement of some hostile preparations from forraign enemies, the Privy Council taking care for securing the coasts in *Kent*, *Suffex*, *Hampshire*, *Dorsetshire*, and *Devonshire* renewed their directions to the Lords of those Counties for the careful watching of Beacons, &c.

About the time the Fleet went last to the relief of *Rochel*, the King being solicited by the Ambassadors of the King of *Denmark*, and the united Provinces to send shipping to secure the *Elbe*, and men for the defence of *Luckstat*, resolved upon the sending of five Ships accordingly, but

A

B

C

D

E

F

4. Caroli.

but first to dispatch the men for the relief of the Town, the preservation whereof did mainly import the security of the River, wherefore the Regiments then remaining in several of the States Garrison Towns, which were reformed out of four Regiments, under the Command of Sir Charles Morgan, and supposed to consist of two thousand men, were designed for this employment; But in regard that by the capitulations at the rendring of *Stoade*, these souldiers were first to touch in *England* before they could engage in War against the Emperour, they were appointed to come to *Harwich*, and to saile thence to *Luken*, under the command of their former General, and by reason of the absence of the *English* Fleet upon the service of *Rochel*, the States and the Prince of Orange were desired to accommodate them with Ships of convoy in crossing the Seas, But a while after the King considering that the six months wherein that Regiment was bound not to serve against the Emperour, were near expiring, and the Winter approaching, which by foul weather and contrary winds, might expose both men and Ships to great danger in their crossing the Seas to *England*, and cause unnecessary charge, commanded Sir Charles Morgan to forbear to touch at *Harwich*, but to shape his course by the nearest & straightest way from *Holland* to *Luck-flat*, and to stay at the place of imbarquing, so many days as with the time which will be taken up in their passage, may accomplish the full six months; Moreover, these Reformed Regiments brought from *Stoade*, being found upon their mustering fourteen hundred, the King made a supply of six hundred more by borrowing six or eight men out of every Company, serving in the States pay, under the conduct of the Lord Vere, the season of the year not permitting to rely upon new recruits from *England*; for which he engaged his royal word to the States and the Prince of Orange, that for every man they lent him, he would send them two as soon as his forces return from *Rochel*.

Touching the Horse levied in *Germany*, and intended (as was said) to be transported into *England*, about the last Session of Parliament the Privy Councel now wrote to *Dalbeere* upon certain overtures made by the King of *Sweden*, and the Duke of *Satoy* to receive them into their pay and service, that he might dispose of the said Cavalry to those Princes being his Majesties friends and Allies with condition that his Majesty be no further charged with their pay, transportation, or entertainment in any manner, whatsoever.

The German Horse disposed of.

After the death of the Duke, the King seemed to take none to favour so much as Dr. Laud, Bishop of *London*, to whom he sent many gracious messages, and also writ unto him with his own hand, the which contained much grace and favour, and immediately afterwards none became so intimate with his Majesty as the said Bishop.

Dr. Laud in favour with the King.

By Orders from the Bishop, there were then entred in the Docket Book, several Conge D'estiers and Royal assents for Dr. May to be Bishop of *Bath* and *Wells*; for Doctor Corbet to be Bishop of *Oxford*, and for Samuel Harfenet then Bishop of *Norwich*, to be Arch-Bishop of *York*.

Conge d'estier for certain Bishops.

In the University of *Oxford*, Bishop Laud bore the sway. The Lord Chancellor William Earl of *Pembroke* committing his power into his hands. And this year he framed the Statutes for the reducing and limiting the free Election of Proctors, which before (as himself said) were Faction, and Tumultuary to the several Colledges by course.

The

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The meeting
of the Parlia-
ment adjourn-
ed to Jan. 20.
Great resort to
Felton in pri-
son.

The meeting of the Parliament appointed to be the 26. of *Octob.* was by Proclamation the first day of that moneth Prorogued to the 20. of *Janu.* following.

VVhilst *Felton* remained a Prisoner at *London*, great was the resort of people to see the man who had committed so bold a murder, others came to understand what were the Motives and Inducements thereunto, to which the man for the most part answered, That he did acknowledge the Fact, and condemned himself for the doing thereof; Yet withall confessed he had long looked upon the Duke as an evil Instrument in the Common-wealth, and that he was convinced thereof by the Remonstrance of Parliament. VVhich considerations, together with the instigation of the Evil One (who is always ready to put sinfull motions into speedy Actions) induced him to do that which he did; He was a person of a little Stature, of a stout and revengeful spirit, who having once received an injury from a Gentleman, he cut off a piece of his little finger, and sent it with a challenge to the Gentleman to fight with him, thereby to let him know that he valued not the exposing of his whole body to hazard, so he might but have an opportunity to be revenged.

Felton ex-
amined before
the Council.

Afterwards *Felton* was called before the Council, where he confessed much of what is before mentioned concerning his Inducement to the Murder, the Council much pressed him to confesse who set him on work to do such a bloody act, and if the *Puritans* had no hand therein, he denyed they had, and so he did to the last, that no person whatsoever knew any thing of his intentions or purpose to kill the Duke, that he revealed it to none living. *Dr. Laud* Bishop of *London* being then at the Council Table, told him, if he would not confes, he must go to the rack; *Felton* replied, if it must be so, he could not tell whom he might nominate in the extremity of torture, and if what he should say then must go for truth, he could not tell whether his Lordship (meaning the Bishop of *London*) or which of their Lordships he might name, for torture might draw unexpected things from him; after this he was asked no more questions, but sent back to prison. The Council then fell into Debate, whether by the Law of the Land they could justifie the putting him to the Rack? The King being at Council said, before any such thing be done, let the advice of the Judges be had therein, whether it be Legal or no, and afterwards his Majesty the 13. of *Novemb.* 4. *Car.* propounded the question to *Sr. Tho. Richardson*, Lord Chief Justice of the Common Pleas, to be propounded to all the Justices. (*Viz.*) *Felton* now a prisoner in the Tower, having confessed that he had killed the Duke of *Buckingham*, and said he was induced to this, partly for private displeasure, and partly by reason of a Remonstrance in Parliament, having also read some Books, which he said defended that it was lawful to kill an Enemy to the Republique, the question therefore is, whether by the Law he might not be Racked, and whether there were any Law against it, for (said the King) if it might be done by Law, he would not use his Prerogative in this Point, and having put this Question to the Lord chief Justice, the King commanded him to demand the resolution of all the Judges.

Threatned to
be Racked.

The Judges o-
pinions taken
therein,

First, the Justices of Serjeants Inn in *Chancery Lane* did meet and agree, that the King may not, in this case put the party to the Rack. And the fourteenth of *November* all the Justices being assembled at Serjeants

ants Inn in *Fleetstreet*, agreed in one, that he ought not by the Law to be tortured by the Rack, for no such punishment is known or allowed by our Law.

And this in case of Treason was brought into this Kingdom in the time of *Henry 6.* note *Fortescue* for this Point, in his Book *de laudibus legum Angliæ*, see the preamble of the Act 28. *H. 8.* for the Trial of Felony, where Treasons are done upon the Sea, and Statute 14. *Edm. 3.* Ch. 9. of Jaylours or Keepers who by duresse make the prisoners to be approvers.

Since the last Session of Parliament, certain Merchant; who traded in Wines, had been committed to the Fleet for the non-payment of an Imposition of 20. s. the Tun, and were now at liberty upon their entering into bond for the payment of that Imposition.

Merchants
committed a-
bout Customs.

Moreover the King in full Council declared his absolute will and pleasure to have the entry of 2. s. 2. d. the hundred upon all Currens to be satisfied equally with that of 3. s. 4. d. before the landing of that Commodity, it being a duty laid by *Queen Elizabeth*, who first gave being to the Levant Company, and which had been paid both in his Fathers time and his own, and that their Majesties were equally possessed of the whole summe of 5. s. 6. d. the hundred by a solemn and Legal Judgement in the Exchequer, and he straightly charged his Council to examine the great abuse in this point, and to make a full reparation to his Honour, by inflicting punishment as well upon Officers as Merchants, that for the future they may beware of committing such contempts.

And Divers Merchants of *London* having forcibly Landed, and endeavoured to carry away their Goods and Merchandises from the Custom-house Key, without payment of duties, were summoned to the Council-table: And the Council was informed against them, that they had caused great and unlawful assemblies of people to be gathered together, to the breach of the Kings Peace, and Mr. *Chambers* was committed to prison by the Lords of the Council, for some words spoken at that time, *Michaelmas 4. Car.*

Merchants
summoned to
the Council
Table.

Richard Chambers being in Prison in the Marshalse, *Del hostel de Roy*, desired an *Habeas Corpus*, and had it, which being returnable upon the 16. day of *October*, the Marshall returned, that he was committed to prison the 28. day of *Septemb.* last, by the command of the Lords of the Council. The Warrant *verbatim* was, That he was committed for insolent behaviour, and words spoken at the Council-Table, which was subscribed by the Lord Keeper, and twelve others of the Council.

Mr. *Chambers*
brought up
with a *Habeas*
Corpus, and
bailed.

[*The words were, as information was given, though not expressed in the Return, That such great Customes and Impositions were required from the Merchants in England, as were in no other place, and that they were more screwed up, then under the Turk.*] And because it was not mentioned what the words were, so as the Court might adjudge of them, the Return was held insufficient, and the Warden of the Prison advised to amend his Return: and he was by Rule of the Court appointed to bring his prisoner by such a day without a new *Habeas Corpus*, and the Prisoner was advised by the Court, That in the mean time he should submit to the Lords, and Petition them for his enlargement, The Warden of the Prison bringing the Prisoner in again in Court, the 23. day of *October*. Then Mr. *Fermin* for the Prisoner moved, That forasmuch

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asmuch as it appeared by the Return, that he was not committed for Treason or Felony, nor doth it appear what the words were, whereto he might give answer, he therefore prayed, he might be dismissed or bailed. But the Kings Attourney moved, That he might have day untill the 25. of *October*, to consider of the Return, and be enformed of the words, and that in the *interim*, the Prisoner might attend the Council-Table, and Petition. But the Prisoner affirmed, that he oftentimes had assayed by Petition, and could not prevail, although he had not done it since the beginning of *October*; and he prayed the Justice of the Law, and the inheritance of a Subject; Whereupon, at his importunity, the Court commanded him to be bailed: and he was bound in a Recognizance of four hundred pounds, and four good Merchants his Sureties were bound in Recognizance of one hundred pound a piece, that he should appear here in *Crastino animarum*, and in the *interim* should be of the good behaviour; And advertized him, they might, for contemptuous words, cause an Indictment or Information in this Court to be drawn against him, if they would.

Lords of the
Council dis-
satisfied with his
bailing.

The Lords of the Council were much dissatisfied with the Bailing of *Chambers*. Whereupon the Judges were sent for to the Lord Keeper at *Durham* House; where were present, besides the Lord-Keeper, the Lord Treasurer, Lord Privy Seal, and the Chancellor of the Dutchy; And the Lord Keeper then declared unto them, that the said enlargement of *Chambers* was without due regard had to the Privy Council, in not first acquainting them therewith. To this the Judges answered, that to keep a fair correspondency with their Lordships, they had by the Lord Chief-Justice acquainted the Lord Keeper in private therewith, before they bailed the party: And that what they had done as to the bailing of the prisoner was according to Law and Justice, and the conscience of the Judges. To this it was replied that it was necessary for the preservation of the State, that the power and dignity of the Council Table should be preserved, and that it could not be done without correspondency from the Courts of Justice; so they parted in very fair terms.

Felton brought
to trial.

Confesseth the
Fact.

Tenders his
hand to be cut
off.

On *Thursday* the 27. of *November*, *Felton* was removed from the Tower to the Gate-house in order to his tryal, and was the same day brought by the Sheriffs of *London* to the *Kings-bench* Bar, and the indictment being read, he was demanded whether he were guilty of the murder therein mentioned: he answered he was guilty in killing the Duke of *Buckingham*. and further said that he did deserve death for the same, though he did not do it out of malice to him. So the Court passed sentence of death upon him, whereupon he offered that hand to be cut off that did the fact, but the Court could not upon his own offer inflict that further punishment upon him, nevertheless the King sent to the Judges to intimate his desire, that his hand might be cut off before execution, but the Court answered that it could not be, for in all murders the Judgement was the same, unlesse when the Statute of 25. *E. 3.* did alter the nature of the offence, and upon a several indictment, as it was in *Queen Elizabeths* time, when a Felon at the Bar flung a stone at a Judge upon the Bench, for which he was indicted and his sentence was to have his hand cut off, which was accordingly done, and they also proceeded against him upon the other indictment for Felony, for which he was found

found guilty, and afterwards hanged; and Felton was afterwards hung up in chains in manner as is usual upon notorious murders.

4. *Caroli.*

Hung in chains.

Mr. Vassals goods seized on for denying Customs.

Information preferred against him.

Mr. Vassals plea to the Information.

Mr. Chambers goods seized on for not paying customs.

A Replevin sued out.

And superseaded.

A IN *Michaelmas Term* the Farmers and Officers of the Custom House seized great quantities of Currants belonging to Mr. *Samuel Vassal* of *London Merchant*, because he refused to pay an Imposition of five shillings and six pence upon every hundred weight of the said Currants so imported, alledged to be due, and demanded on his Majesties behalf, Mr. *Vassal* refused to pay the same, conceiving it was an Imposition against the Law of the Land; Whereupon the Kings Attourney General exhibited an Information in the Exchequer against the said *Vassal*, setting forth that King *James* did by his Letters Patents command the taking the said Imposition, and that his Majesty that now is, by his Letters Patents, dated 26. *Junii*, 2. *Caroli*, by the advice of his Privy Council did declare his Will and Pleasure to be, that Subsidies, Customs, and Impost should be Leavied in such manner, as they were in the time of King *James*, until it might receive a settling by Parliament, and the Information did set forth, that the said *Samuel Vassal* before the first day of *October*, 4. *Car.* did bring into the Port of *London*, 4638. hundred weight of Currants, for which he refused to pay Custom.

C To this information the said *Samuel Vassal* appeared, and pleaded the Statute of *Magna Charta*, and the Statute *de talagio non concedendo*, and that he was a subject born under the Kings allegiance, and a Merchant, and that the said imposition of five shillings six pence upon every hundred weight of Currants, was not *Antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament, to which Plea the said Attourney General demurred in Law, and Mr. *Vassal* joined in demur, &c.

D Afterwards the Barons of the Exchequer did publickly deny to hear Master *Vassals* Counsel to argue for him, saying, that his the said *Vassals* Case would fall under the same rule with one *Bates* Case, and therefore the Case was already adjudged. Master *Vassals* Counsel alledged that they had nothing to do with *Bates* his Case, but desired to argue Master *Vassals* Case. The Barons replied that they knew the opinion of the Court, and should be heard no further; and said that the King was in possession, and they would keep him in possession; and shortly after the Court of *Exchequer* imprisoned the said Master *Vassal* for not paying such sums of money as the Officers of the Custom-house required, as due upon the said imposition, and he could not obtain restitution of his goods, and the Court gave their opinion upon the said information for the King against Mr. *Vassal*.

F About the same time divers goods and Merchandizes belonging to *Richard Chambers* of *London Merchant*, were seized and conveyed into Store-houses at the Custom-house, by the Officers of the Custom, because the said *Chambers* refused to pay the subsidy of Tunnage and Poundage demanded by the Farmers, the said *Chambers* conceiving no such subsidy or duty was due or payable, the same having not been granted by Parliament to his Majesty, and having sued forth a writ of *Replevin*, the proper remedy in Law to regain the possession of his goods; the Barrons of the Exchequer did order an Injunction under the Seal of the said Court directed to the Sheriffs

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of London commanding them thereby not to execute the said writ, or any the like Writs of *Replevin*, that should afterwards be sued forth by any person or persons for the delivery of any goods in the like nature detained, and did declare publickly in Court that the said goods by Law were not repleviable, and the Sheriffs of London did accordingly forbear to execute the said Writ of *Replevin*. Master Chambers finding this obstruction, offered to give great security unto the Court for payment of such duties as should be made appeare to be made payable to his Majesty in such manner, as the said Barrons should direct the Court, afterwards debating this matter, would not give way thereunto, unlesse the said Chambers would deposite all such summes of money as the said Officers respectively demanded of him, for duties to his Majesty which he refused to do. The Court did order the Officers of the Custom to detain double value of the summes by them demanded for duties to his Majesty, and to restore the residue.

Mr. Rolls a
Merchant.

The same course of proceeding the Barrons of the Exchequer held in the Case of Master *John Rolls* of London Merchant, whose goods were detained for not paying of Tunnage and Poundage.

Private consul-
tations abo t
the ensuing
Parliament.

The meeting of the Parliament now drawing nigh, the King consults with a select Committee of his Privy Councillors, what probably the Parliament at their next meeting would insist upon, and how the Privy Council (who are members of the Parliament) shall demean themselves in such cases: And first it was proposed to his Majesties consideration, that if in the House of Commons it shall be moved with any strength, that the Merchants goods be delivered, before they proceed to the Bill of Tunnage and Poundage, the Answer by such as are Privy Councillors and Members of the House to be, that if the House intend to grant Tunnage and Poundage to the King, as it hath been granted to his Predecessors, it will end all dispute, but if they proceed otherwise then before they come to a resolution, the King to speak to them, and to declare, that though his Predecessors claimed it not but by grant of Parliament, yet took it *de facto*, until it was granted by Parliament, and that his Majesty hath done the like, and that if they will passe the Bill to his Majesty as his Ancestors had it, his Majesty will do any reasonable thing, to declare that he claimes not Tunnage and Poundage otherwise then by grant in Parliament, but if this do not satisfie, then to avow a breach upon just cause given, not sought by the King.

And for bringing the Kings buliness to a speedy issue, it was advised, that the Bill of Tunnage and Poundage be prepared before the Parliament sit, in the same form as it passed to King James, adding words to give it from the first day of the Kings Reigne, and that the Bill be presented at the first sitting of the Parliament, and the Privy Council of the House to declare that his Majesty caused it to be timely presented, to cut off all questions and debates, and to perswade them to a dispatch thereof, and that they will returne a speedy answer whether they will grant Tunnage and Poundage or not.

They also took into consideration divers other matters, which they

A they apprehended the Parliament would insist upon, as proceeding to censure the actions of the Duke of *Buckingham*, to accuse some of the Kings servants now living, upon common Fame, to cast personal aspersions in Parliament upon the Kings Councillors, or to charge them with giving ill counsel to the King, to handle questions touching matters of Religion, proper for his Majesty, and a Convocation to determine, to raise objections against his Majesties Speech the last day of the last Session, as trenching upon the liberty of the Subject, in these and the like cases the Privy Council of the House were to be instructed how to demean themselves, and to advise all fair and possible means to have a good agreement between his Majesty and his people. But in case the House proceed upon any of the particulars before mentioned, and draw towards a resolution, that the Privy Council who are of the House, do intimate that these Debates will tend to a breach, and will not be admitted of, and the King thereupon to declare himself presently, that he will not suffer such irregular courses of proceeding.

C SO soon as the Parliament Reassemble on Tuesday the 20. of *Janu.* In the first place, the Commons inquired whether the Petition of Right, with his Majesties Answer unto it were inrolled in the Parliament Rolls, and the Courts of *westminster*, as his Majesty promised them the last Session: and they found his Majesties Speech made the last day of the Session, entred by his Majesties command, together with the Petition, and *Norton* the Kings Printer being called into the House, and demanded by what Warrant the Additions (besides his Majesties Answer) to the Petition of Right were Printed, he said there was a Warrant, as he thought from the K. himself, and being demanded whether there were some Copies Printed without additions, he said there were about 1500. but they were suppressed by Warrant, and Mr. Attourney General commanded that no more of them should be Printed, and that those that were first Printed should not be divulged.

The Parliament meets, they enquire whether the Petition of Right be enrolled,

E The next thing taken into consideration, was the violation of the Liberties of the People, since the end of the last Session, even contrary to the Petition of Right, some having been since the time committed, and a Command sent to the Sheriff not to execute a Replevin, when mens Goods and Merchandises have been taken away, and it was instanced in the Case of Mr. *Rolls* a Merchant, and known to be a Member of the House, to whom it was said by some of the Officers of the Custome House, *If all the Parliament were in you, we would take your goods.*

What were the violations of the Subjects Liberties since the last Parliament.

Whereupon Sir *Robert Philips* made this Speech.

F BY this Information you see how unfortunate these times are, and how full of time it was for this Assembly to meet to serve his Majesty, and to serve their Countrey, and I am confident, that coming hither with fulness of affection, to our King and Countrey, all will conduce to a happy conclusion, and to the Kings honour: Indeed our own great and weighty affairs wound deep, cast your eyes which way you please, you shall see violations on all sides, look on the liberty of the Subject, look on the priviledge of this House, let any say, if ever he saw or read the like violations by inferiour Ministers that over do

Sir Robert Philips Speech concerning that matter.

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their command; they knew the party was a Parliament man, nay, they say, if all the Parliament were in you, this we would do, and iustifie it. If we suffer the Priviledge of Parliament and Liberty of Subjects to be thus violated, for fear of complaint, we give a wound to the happiness of the Kingdom. The course of Justice is interrupted, and an Order in the Exchequer made for the stay of the goods, and since there is a seisure, upon the approach of Parliament, of goods amounting to five thousand pounds for a pretended duty of two hundred pounds Custome, Its time to look about us.

In the first year of King James, by reason of the sicknesse that there was, the Parliament was prorogued; and then there were some so bold as to take this Tunnage and Poundage, and then we questioned the men that demanded it. Let us proceed with affection of duty, and make up breaches, let a Committee be appointed for the examination of these proceedings.

The matter
was referred to
a Committee.

This businesse was referred to a Committee, and the Officers of the Custome House (who had seized these Merchants goods) were ordered to be sent for, and whilst they were in Debate of this businesse, the King sent a Message to the House, and willed them to desist from further Delate of these matters concerning Tunnage and Poundage, till the next day in the afternoon, at which time, he would speake with them at the Banqueting House at Whitehall, where his Majesty made this Speech.

The Kings
Speech to both
Houses in the
Banqueting
House.

THe care I have to remove all Obstacles that may hinder the good correspondency between me and this Parliament, is the cause I have called you together at this time, the particular occasion being a complaint made in the Lower House. And for you my Lords, I am glad to take this, and all other occasions whereby you may clearly understand both my words and actions, for as you are neereest in Degree, so you are the fittest witnesses unto Kings.

The complaint I speak of is for staying mens goods that denyed Tunnage and Poundage, this may have an easie and short conclusion, if my words and actions be rightly understood, for by passing the Bill as my Ancestors have had it, my by-past actions will be included, and my future proceedings authorized, which certainly would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my Hereditary Prerogative, in which they are much deceived, for it ever was, and still is my meaning, by the gift of my people to enjoy it, and my intention in my Speech at the ending of the last Session concerning this point, was not to challenge Tunnage and Poundage as of right, but de bene esse, shewing you the necessity, not the right by which I was to take it untill you had granted it to me, assuring my self, according to your general professions, you wanted time, not will to give it me.

wherefore now having opportunity, I expect that without losse of time, you make good your professions, and so by passing of a Bill, put an end to all the Questions arising from this Subject: especially since I have cleared the onely Scruple that can trouble you in this businesse; to conclude, Let us not be jealous one of the others actions, for if I had been easily moved at every occasion, the Order you made on wednesday last, might have made me startle, there being some shew to suspect that you had given your selves the liberty to be the Inquisitors after complaints (the words of your Order being somewhat too largely pend) but looking into your actions, I find you only here complainers, not seeking complaints: for I am certain you neither pretend, nor desire the liberty to be Inquisitors of mens actions before particular complaint be made.

This I have spoken, to shew you how slow I am to believe harshly of your proceedings, likewise to assure you, that the Houses Resolutions, not particular mens

mens speeches, shall make me judge well or ill, not doubting, but according to my example you will be deaf to ill reports concerning me, till my words and actions speake for themselves, that so this Session beginning with confidence one towards another, it may end with a perfect good understanding between us. which God grant.

4. Caroli.

A

Munday the 26. of January.

“MR. Secretary Cook delivered a Message from the King to the House of Commons, that the Bill for Tunnage and Poundage might be speedily taken into consideration, and that time might not be slept, and did very much press (in his Majesties name) the reading thereof as a matter of weight and importance, and said that he spake it for their service, and that moderation in their proceedings, would be of great advantage to them; But the House being troubled to have the Bill imposed upon them, which ought naturally to arise from themselves, did at that time forbear to speak their minds freely, and resolved to husband their time, and did accordingly further empower the Committee to examine violation of Libertie, and property since the last Session of Parliament, and resolved to proceed in the next place, with matters of Religion, and particularly against the Sect of *Arminians*, upon which occasion Mr. *Rous* spake to this purpose.

The K. sends a Message to the House of Commons speedily to take Tunnage & Poundage into consideration.

But the Commons refused to proceed in matters of Religion

C

“Mr. Speaker, we have of late entered into consideration of the Petition of Right, and the violation of it, and upon good reason, for it concerns our Goods, Liberties, and Laws, but there is a right of higher nature, that preserves for us far greater things, Eternal life, our souls, yea our God himself, a Religion derived to us from the King of Kings, confirmed upon us by the Kings of this Kingdom, Enacted by Laws in this place, streaming down to us in the blood of Martyrs, witnessed from Heaven by miracles, even miraculous deliverances, and this Right in the name of this Nation, I this day require and claim that there may be a deep, and serious consideration of the violation of it; I desire it may be considered what new paintings are laid on the old face of the whore of *Babylon*, to make her shew more lovely, and to draw so many suitors to her, I desire that it may be considered how the *See of Rome* doth eat into our Religion, and fret into the Banks, and walls of it, the Laws and Statutes of this Realm, especially since those Laws have been made in a manner by themselves, even by their own Treasons, and bloody Designs: And since that Popery is a confused heap of Errors, casting down Kings before Popes, the Precepts of God, before the Traditions of men (living and reasonable men) before dead and senseless stocks and stones; I desire that we may consider the increase of *Arminianism*, an Error that makes the Grace of God lackey it after the will of man, that makes the sheep to keep the Shepherd, and makes a mortal seed of an Immortal God. Yea I desire that we may look into the very belly and bowells of this Trojan Horse, to see if there be not men in it ready to open the Gates to Romish Tyranny, and Spanish Monarchy: for an *Arminian* is the Spawn of a Papist, and if there come the warmth of favour upon him, you shall see him turn into one of those Froggs that rise out of the bottomless

Mr. Rous Speech concerning Religion.

D

E

F

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"lets pit; And if you mark it well, you shall see an Arminian
 "reaching out his hand to a Papist, a Papist to a Jesuite, a Jesuite gives
 "one hand to the Pope, and another to the King of *Spain*, and these
 "men having kindled a fire in our neighbour Country, now they have
 "brought over some of it hither, to set on flame this Kingdom also:
 "Yea, let us further search and consider whether these be not the men,
 "that break in upon the goods and Liberties of this Common-wealth, for
 "by this means they make way for the taking away of our Religion;
 "it was an old trick of the Devil, when he meant to take away *Jobs*
 "Religion, he begun at his goods, saying, lay thy hand on all he
 "hath, and he will curse thee to thy face; either they think thereby to
 "set a distaste between Prince and People, or else to finde some other
 "way of supply, to avoid or break Parliaments: that so they may break
 "in upon our Religion, and bring in their errours. But let us do as *Job*
 "did, who being constant against temptation, held fast his Religion,
 "and his goods were restored to him with advantage, so if we hold
 "fast God and our Religion, these things shall be added unto us; Let
 "us consider the times past, how this Nation flourished in honour and
 "abundance, when Religion flourished amongst us; but as Religion
 "decayed, so the honour and strength of this Nation decayed also;
 "when the soul of a Common-wealth is dead, the body cannot longer
 "overlive it; If a man meet a dogg alone, the dogg is fearful, though
 "never so fierce by nature, but if that dogg have his Master by him,
 "he will set upon that man, from whence he fled before. This shews
 "that lower natures being backt with the higher, increase in courage
 "and strength; and certainly man being backt with omnipotency, is a
 "kind of omnipotency, all things are possible to him that believeth, and
 "where all things are possible; there is a kind of omnipotence;
 "wherefore let us now by the unanimous consent and resolution of
 "us all, make a vow and covenant, henceforth to hold fast, I say to hold
 "fast, our God, and our Religion; And then may we from henceforth
 "certainly expect prosperity on this Kingdom and Nation, and to this
 "Covenant let every man say, Amen.

A

B

C

D

Tuesday the 27. of January.

A Report from
the Committee
for Religion.

The Remon-
strance con-
cerning Reli-
gion sent back by
the King.

A Report was made to the House from the Committee for Reli-
 gion, of matters concerning Religion, which passed the last Session
 and were since that time delivered by the Clerk (by Command from
 the King) to some whom his Majesty had sent for the same; for want
 whereof the Committee could not proceed, hereupon Master Secreta-
 ry Cook brings this message from the King, that his Majesty under-
 standing the Remonstrance concerning Religion was called for, was
 pleased (to take away all Question) to command him to deliver it
 unto them, hoping never the lesse that they will proceed with the
 Bill for Tunnage and Poundage, and give precedency to that busi-
 nets, and so put an end to a further dispute between some of his Sub-
 jects [meaning the Customers, and Merchants, whose goods were
 seized by the Customers for Tunnage and Poundage,] or else he shall
 think his speech, which was with good applause accepted, had not
 that good effect which he expected.

E

F

But

But the House thought fit to prefer Religion, and to give it the first place in their debates, saying, if *Popery* and *Arminianisme* joyne hand in hand together, it would by degrees bring in *Spanish* tyranny, under which these Laws and Liberties, must Cease. Besides that it was fit time to enquire what persons have been advanced to Ecclesiastical preferments, and to whom pardons have been granted since the last Session; That Religion concerns the King as well as the Subjects, and the work of the Lord must not be done negligently, whereupon the House was Dissolved into a Committee, and gave Religion the precedence of Tunnage and poundage. And in the Committee Mr. *Pymme* spake as followeth.

4 Caroli.

Precedency assign'd in given to Religion before Tunnage and poundage.

TWO diseases there be (said he) the one old, the other new; the old *Popery*, the new *Arminianism*; there be three things to be inquired after concerning *Popery*.

Mr. *Pym* speech concerning Religion.

1. "The cessation of the Execution of Laws against Papists.

2. "How the Papists have been imployed and countenanced.

3. "The Law violated in bringing in of superstitious ceremonies amongst us, especially at *Durham*, by Mr. *Cozens*, as Angels, Crucifixes, Saints, Altars, Candles on *Candlemas* day, burnt in the Church after the Popish manner.

"For *Arminianisme* let it be advised.

1. "That a way be open for the truth.

2. "That whereas by the Articles set forth, 1562. and by the Catechism set forth in King *Edward* the sixths days, and by the writing of *Martin Bucer*, and *Peter Martyr*, who were employed in making our Articles; and by the constant professions, sealed by the blood of so many Martyrs, as *Cranmer*, *Ridley*, and others, and by the 36.

Articles in Queen *Elizabeths* time, and by the Articles agreed upon at *Lambeth*, as the Doctrine of the Church of *England*, which King *James* sent to *Dort*, and to *Ireland*, and were avowed by us and our

State; his Majesty hath expressed himself in preserving unity in Religion established, though his royal intention, notwithstanding, hath been perverted by some to suppress the truth. Let us shew wherein these late opinions are contrary to those settled truths, and what men have been since preferred, that have professed these *Heresies*;

what pardons they have had for false doctrine; what prohibiting of Books, and writings against their doctrine, and permitting of such books as have been for them: Let us inquire after the Abettors;

Let us enquire also after the pardons granted of late to some of these, and the presumption of some that dare preach the contrary to truth before his Majesty. It belongs to the duty of Parliament to establish true Religion, and to punish false; we must know what Parliaments have done formerly in Religion. Our Parliaments have confirmed general Councils. In the time of King *Henry* 8. the

Earl of *Essex* was condemned for countenancing books of *Heresie*; For the convocation, it is but a Provincial Sinod of *Canterbury*, and

cannot bind the whole Kingdom. As for *York* that is distant and cannot do any thing to bind us or the Laws; For the High-Commission, it was derived from Parliament.

Wednesday

An. 1628

Message by Secretary Cook
about Tunnage
and Poundage.Sir Tho. Ed.
monds.

“ Wednesday 28. Secretary Cook delivered another message to the
 “ House concerning the precedency of Tunnage and Poundage, decla-
 “ ring that his Majesty intends not thereby to interrupt them, as to Re-
 “ ligious, so that they do not intrench on that which belongs not to them
 “ which message was seconded by Sir Thomas Edmonds in these
 “ words.

“ I am sorry the House hath given cause to so many messages about
 “ Tunnage and Poundage after his Majesty hath given us so much sa-
 “ tisfaction, you may perceive his Majesty is sensible of the
 “ neglect of his businesse, we that know this, should not discharge
 “ our duties to you if we should not perswade you to that course which
 “ should procure his Majesties good opinion of you: You your selves
 “ are witnesses how industrious his Majesty was to procure you graci-
 “ ous Laws in his fathers time, and since, what enlargement he hath
 “ made of our Liberties, and still we give him cause to repent him of
 “ the good he hath done. Consider how dangerous it is to alienate
 “ his Majesties heart from Parliaments.

Master Corriton replied.

Mr. Corriton.

“ **W**hen men speak here of neglect of duty to his Majesty, let them
 “ know we know no such thing, nor what they mean: And I see
 “ not how we do neglect the same; I see it is in all our hearts to expe-
 “ dite the Bill of Tunnage and Poundage in due time: our businesse is
 “ still put back by these Messages, and the businesse in hand is of God;
 “ and his Majesties affairs are certainly amisse, and every one sees it,
 “ and woe be to us, if we present them not to his Majesty.

An Answer re-
solved to be gi-
ven to the
Kings messages

The House resolved to send an answer to the King, that these mes-
 sages are inconvenient, and breed debates and losse of time, and did fur-
 ther resolve that Tunnage and Poundage, arising naturally from this
 House, they would in fit time take such a course therein, as they hoped
 would be to his Majesties satisfaction and honour, and so again agreed
 to proceed at present in matters of Religion.

Sir John Eliot
concerning
Religion.

“ Sir John Eliot upon this occasion spake to this purpose, I have al-
 “ ways observed (said he) that in the proceedings of this House, our
 “ best advantage is order, and I was very glad when that noble Gen-
 “ tleman, my Country-man, gave occasion to state our proceedings, for
 “ I fear it would have carried us into a Sea of confusion and disorder,
 “ and having now occasion to present my thoughts in this great
 “ and weighty businesse of Religion, I shall be bold to speak a few
 “ words.

“ There is a jealousie conceived, as if we meant to dispute in mat-
 “ ters of faith, it is our profession, this is not to be disputed, it is not in
 “ the Parliament to make a new Religion, nor I hope shall it be in any
 “ to alter the body of the truth, which we now professe, I must confess
 “ amongst all those fears we have contracted, there ariseth to me not one
 “ of the least dangers in the Declaration that is made and published in his
 “ Majesties name concerning disputing and preaching, let not this my say-
 “ ing bear the least suspition or jealousie of his Majesty, for if there be
 “ any misprision or Error, I hope it is those Ministers about him, which
 “ not

"not only he, but all Princes are subject unto, and Princes no doubt are
 "subject to mis-informations, and many actions may be intituled
 "to their Names, when it is not done by themselves. *Antiochus King*
 "of *Asia* sent his Letters and missives to several Provinces, that if they re-
 "ceived any dispatches in his name, not agreeable to justice, *Ignoro se*
 "*litteras esse scriptas ideoq; iis non parerent*, and the reason of it is given
 "by *Gratian*, because that oftentimes by the importunity of Ministers
 "*Principes sæpe constringuntur, ut non concedenda concedant*, are drawn to
 A "grant things by them not to be granted; and as it was in that age, so
 "it may be in this. And now to the particular in the Declaration, we
 "see what is said of *Popery* and *Arminianism*, our Faith and Religion is in
 "danger by it, for like an Inundation it doth break in at once upon us.
 "It is said, if there be any difference in Opinion concerning the reason-
 "able interpretation of the 39. Articles, the Bishops and the Clergy
 "in the Convocation have power to dispute it, and to order
 "which way they please, and for ought I know, *Popery* and *Arminia-*
 B "nism may be introduced by them, and then it must be received by all, a
 "slight thing, that the power of Religion should be left to the persons
 "of these men, I honour their profession, there are among our Bishops
 "such as are fit to be made examples for all Ages, who shine in ver-
 "tue, and are firm for our Religion, but the contrary Faction I like
 "not; I remember a character I have seen in a Diary of E. 6. that young
 "Prince of famous memory, where he doth expresse the condition of
 "the Bishops of that time under his own hand writing, *That some for*
 C "*sloth, some for age, some for ignorance some for luxury, and some for Popery,*
 "*were unfit for Discipline and Government.* We see there are some
 "among our Bishops who are not Orthodox, nor sound in Religion
 "as they should be, witness the two Bishops complained of the last
 "meeting of the Parliament, I apprehend such a feare, that should we
 "be in their power, we may be in danger to have our Religion over-
 "thrown, some of these are Masters of Ceremonies, and they labour
 "to introduce new Ceremonies into the Church; Yet some Ceremonies
 D "are useful, give me leave to joyn that I hold it necessary and commen-
 "dable, that at the repetition of the Creed we should stand up, to re-
 "stifie the resolution of our hearts, that we will defend the Religion
 "which we profess, and in some Churches it is added, they did not
 "only stand upright with their bodies, but with their Swords drawn.
 "Let us go to the ground of our Religion, and lay down a Rule on
 "which all others may rest; then when that is done, it will be time
 "to take into consideration the breakers and offenders of that Rule;
 E "Hereupon, after some Debate the Commons entered into this
 "Vow.

The Vow of the House of Commons in Parliament.

F WEE the Commons in Parliament Assem-
 bled, do Claim, Protest, and Avow for truth, the
 sence of the Articles of Religion, which were establish-
 ed by Parliament, in the thirteenth year of our late
 Queen *Elizabeth*, which by the publique Act of the
 O o o o Church

The Commons
enter into a
Vow.

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Church of *England*, and by the generall, and currant Expositions of the Writers of our Church, have been delivered unto us. And we reject the sence of the Jesuites, and *Arminians*, and all others wherein they differ from us.

Friday the thirtieth of January 1628. Both Houses joyn in Petitioning the King for a Fast.

Both Houses
Petition the
King for a fast.

Most Gracious Sovereign, It is the very earnest desire of us your most dutiful Subjects, the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, that this meeting may be abundantly blessed with all happy successe in the great affairs of Church and State, upon which we are to consult, and that by a cleare understanding, both of your Majesties goodness unto us, and of our ever faithfull, and Loyal hearts to your Majesties Royal Person and service, (all jealousies and distractions, which are apparent signs of Gods displeasure, and of ensuing milchief being removed) there may this Session, and for ever be, a perfect and most happy union, and agreement between your Majesty and all the Estates of this Realm: But acknowledging that neither this, nor any other blessing can be expected, without the especiall favour of Almighty God, upon the observation of the continued increasing miseries of the Reformed Churches abroad, (whose cases, with bleeding hearts we compassionate) as likewise of those punishments already inflicted, And which are like in great measure to fall upon our selves, we have just cause to conceive, that the Divine Majesty is for our sins exceedingly offended against us, wherefore we do in these, and all other pious respects, most Dread Sovereign, humbly beseech your most excellent Majesty, by your Royal consent, and Commandment, that not only our selves, but all people of your Kingdom, may be speedily enjoyned upon some certain day, by your Majesty to be prefixed, by publique Fasting, and Prayer to seek reconciliation, at the merciful hands of Almighty God, So that the prayers of the whole Kingdom, joyned with your Majesties most Princely care, and the faithful hearts and endeavours of this great Council assembled,

may

A

B

C

D

E

F

may procure honour to Almighty God in the preservation of his true Religion, much honour to your Majesty, prosperity to your people, and comfort to your Majesties Friends and Allies.

4 Caroli.

The Kings Answer to the Petition.

A **M**Y Lords, and Gentlemen, The chief Motive of your Petition, being the deplorable Condition of the Reformed Churches abroad, is too true: And our duty is so much as in us lieth, to give them all possible help; But certainly, fighting will doe them more good then fasting: though I doe not wholly disallow of the latter; yet I must tell you, that the custome of fasting every Session, is but lately begun, and I confesse I am not fully
B satisfied with the necessity of it at this time.

His Majesties Answer.

Yet to shew you how smoothly I desire your businesse to go on, (eschewing as much as I can Questions or jealousies) I doe willingly grant your request herein, but with this Note, That this shall not hereafter be brought into president for frequent Fasts, except upon great occasions; And for form and time, I will advise with my Lords the Bishops, and then send you a particular
C Answer.

Soon after the House of Commons presented a Declaration to the King, touching their resolutions to give precedency to Religion.

D **M**ost Gracious Sovereign, we have within these three dayes received from your Majesty a Message, putting us in minde of our present entring upon the consideration of a Grant of Tunnage and Poundage, but the manner of possessing the House therewith being disagreeable to our Orders and Priviledges, that we could not proceed therein; And finding our selves in your Majesties name pressed in that businesse, and that we should give precedency thereunto, we cannot but expresse
E some sence of sorrow, fearing that the most hearty and forward affections, wherewith we desire to serve your Majesty, are not clearly represented unto you: besides, such is the solicitous care we have in preserving our selves, in your Majesties most gracious and good opinion, that it cannot but breed much trouble in us, when ever we find our selves (as now we are enforced) to spend that time in making our humble Apologies, from whence doe usually arise long Debates, which we conceive
F might very profitably be applyed in the greater Services of your Majesty, and the Common-wealth, which we did with all humble diligence apply our selves unto; and finding the extream dangers, wherewith our Religion is threatned (clearly presenting it unto our thoughts and considerations) we thought, and we

The Commons Declaration to the King to give precedency to Religion.

An. 1628.

think, we cannot without impiety to God, disloyalty to your Majesty (and unthankfulness to those from whom we are put in trust) retard our proceedings until something be done to secure us in this maine point, which we prefer above our lives, and all earthly things whatsoever; And here we do with all humble thankfulness acknowledge your Majesties most pious care, and Princely Intentions to suppress both Popery and Arminianism; the Professor of the one, being an open enemy to the maintainer of the other, a subtil and more dangerous underminer of the Religion of Almighty God, established within your Realmes and Dominions: The truth of which our whole Religion or any part thereof, (as being sufficiently known, and received generally here of all the Members of our Church, except onely of some schismatical persons who have of late years taken the boldnesse to bzoach their contrary corrupt opinions) we desire should not be called in question, or doubt; But howsoever it hath pleased your Majesty to our exceeding great comfort, by many Testimonies to declare your own constant resolution to maintain the said Religion, yet we see how your gracious purposes are therein crost, and into what a miserable condition your whole Kingdom is likely by that means to be reduced; we shall earnestlie endeavour, (as that which doth nearly concerne us) the safety and prosperitie of your Majestie, and people which are in such lost disordered, that ruine thereby threathned to both, may by Gods blessing be prevented; being most heartilie sorrie that these occasions are offered, which did thus hinder our proceedings; And therefore as well for dignity, and necessitie of the matter as for that we conceive it to be the most speedy and effectual way, by uniting of all our hearts and endeavours to dispatch all other businesse of importance particularlie those which may seem more immediatlie to respect your Majesties profit, we pray that our resolutions of preferring this businesse, before all others may be acceptable to your Majestie, to whom, both in the matter and manner of our proceedings, we desire to give all possible satisfaction.

Whereunto the King thus Answered.

His Majesties
Answer to the
Commons
Declaration.

“ Gentlemen, this Answer being somewhat long, may in reason
“ require some time to reply unto it, since as most of you cannot
“ but judge this giveth no satisfaction. Therefore I shall give you
“ some short notes upon it; I cannot think, that whereas you alledge
“ that the Bill of Tunnage and Poundage was brought in against the
“ priviledge of your House; That you will offer to take so much pri-
“ viledge from every one of your members, as not to allow them the
“ liberty to bring in any Bill whatsoever; although it be in your pow-
“ er when it is brought in, to do with it what you think good; And
“ I cannot imagine, you coming together by my power, and to treat of
“ things that I propound unto you, can deny me that Prerogative to com-
“ mend or offer my Bill unto you; though in this particular I must con-
“ fess, that this Bill was not to have been offered to you in my Name,
“ as that Member of your House can bear witness. As for the cause of
“ delay in my businesse, (being Religion) there is none of you shall have
“ a greater care for the true preservation of it then my self, which since
“ it

A "it is confessed by your Answer; You must either think I want power
 " (which cannot be) or that I am very ill counselled, if it be in so much
 " danger as you affirm: Though I may say much of this, I will say no
 " more, but that for all this I shall not stop mine ears to you upon this
 " subject, so that in form and matter you transgress not your limits; as
 " for Tunnage and Poundage; I do not so much desire it out of greediness
 " of the thing (being perswaded you will make no stop in it, when
 " you once take it in hand) as out of a desire to put an end to those
 " Questions that do arise between me and some of my Subjects, thinking
 " it a strange thing, if you should give Ear to those complaints, and
 " not to take the sure and speedy way to decide them: Besides, I must
 " think it strange, that this business of Religion, should only be a hinderer
 " of my Affaires, whereas I am certainly informed all other
 " things go according to their ordinary course; therefore I must still be
 " instant with you, that you proceed with Tunnage and Poundage with
 " diligence (not looking to be denied in so just a desire) and you must
 " not think it strange, if I finding you slack, give you such further quick-
 " ning as I shall find cause.

Hereupon Secretary Cook did acknowledge, that at the presenting of the Bill of Tunnage to be read, he said his Majesty much desired it, but it was a mistake that his Majesty commanded it.

Wednesday the 4. of February.

C The House fell into debate of the Kings Declaration published in print, to prohibit dispute or preaching one way or other concerning the matters mentioned in the Declaration, alledging in the debate that the main end thereof was to suppress the Puritan party, and yet to give liberty to the contrary side, and they conceived that Bishop Laud, and Bishop Montague, mentioned in the last Remonstrance, had advised the King to that Declaration; Bishop Laud being advanced since the last Session of Parliament, to be Bishop of London, and Mr. Montague since that time made Bishop of Chichester; And a Warrant was granted to the Attourney General to draw up a pardon for him, but whereas the Warrant was but for one, the Attourney put four into the pardon (viz.) Bishop Montague, Doctor Cosens, Doctor Sibthorp, and Doctor Manwaring.

Tuesday the 10. of February.

E Whilst the House was in debate touching matters of Religion, the Ware-house of Mr. Rolls (Merchant and Member of the House then sitting in Parliament) was locked up by a Pursuevant, and himself called forth from the Committee and served with a Subpœna.

This gave occasion of smart debates in the House, some said they were made the subject of scorn and contempt; others conceived this to be a bone thrown in by them that have drawn a cloud on the true Religion to divert or interrupt them in the prosecution of that matter, and they desired the messenger might be sent for, and be examined by what procurement this Subpœna was taken forth.

F Sir Humphrey May, Chancellor of the Duchy, and one of the Privy Council, assured the House that this neither proceeded from King nor Council, and therefore desired it might be searched into the bottom.

Debate about the Kings Declaration concerning disputes about Religion.

Mr. Rolls sitting in Parliament was called forth and served with a Subpœna.

Debate concerning the same.

And

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The mistake
of the Sub, and
c. cased.A report from
the Committee
for Tunnage
and Poundage.

And it was afterwards cleared by Master Attorney General, by his writing a Letter to Mr. *Rolls*, that the serving a *Subpœna* upon him was a mistake; and prayed that a favourable interpretation might be given of that matter.

Upon report from the Committee for Tunnage and Poundage, Sir *John Wolstenholme*, Mr. *Dawes*, and Mr. *Carmarthen* were ordered to appear at the Barr on *Friday* next, and report was made to the House that Master Attorney (notwithstanding his Letter did give order for the processe against Mr. *Rolls*, and that in the Bill preferred in the Exchequer, it was expressed the Merchants did plot, practice and combine against the peace of the Kingdome; This business being a matter of weight, the further consideration thereof was appointed for another day, and no member might go out of Town without Licence.

Thursday the 12. of February.

Committee
meets again up-
on Tunnage
and Poundage.Mr. *Noy* con-
cerning Tun-
nage and
Poundage.Barons of the
Exchequer
sent unto about
staying the de-
livery of
Merchants
goods.
The Barons
Answer.

The House was turned into a Committee concerning the business of Tunnage and Poundage, and several Merchants did Petition that their goods were not only seized, but informations preferred in Star-Chamber against them; The Committee in their debate inclined that the Merchants might have their goods before they enter upon the Bill for Tunnage, and Mr. *Noy* expressed himself in these words.

We cannot safely give, unless we be in possession, and the proceedings in the Exchequer nullified, as also the information in the Star-Chamber, and the annexion to the Petition of Right, for it will not be a gift, but a confirmation, neither will I give without the removal of these interruptions, and a Declaration in the Bill that the King hath no right but by our free gift; if it will not be accepted, as it is fit for us to give, we cannot help it; if it be the Kings already, we do not give it.

Hereupon the House ordered that the Barons of the Exchequer be sent unto, to make void their injunction and order, concerning the staying of Merchants goods, to which the Barons returned this answer.

Whereas the Honourable House of Commons by order of the 12. of this instant *February* have appointed that notice shall be given to the Lord Treasurer, Chancellor, & Barons of the Exchequer of a Declaration made by Sir *John Wolstenholme*, *Abrah. Dawes*, and *Rich. Carmarthen* in the House of Commons, that the goods that the Merchants brought into the Kings Store-house, and laid up there for his Majesties use, were detained, as they conceive, onely for the duty of Tunnage and Poundage, and other sums comprized in the Book of rates, which notice was given, to the end the said Court of Exchequer might further proceed therein, as to justice shall appertain; Now the Lord Treasurer, Chancellour and Barons out of their due respect to that honourable House, and for their satisfaction, do signifie that by the Orders and Injunctions of the said Court of Exchequer they did not determine, nor any way touch upon the right of Tunnage and Poundage, and so they declared openly in Court, at the making of these Orders, neither did they by the said Orders or Injunctions barr the Owners of those goods, to sue for the same in a lawful course, but whereas the said Owners endeavoured to take the same goods out of the Kings actual possession by Writs, or Plaints of Replevin, which was no lawful action or course in the Kings case, nor agreeable to his Royal Prerogative, therefore the said Court of Exchequer, being the Court for ordering the Kings Revenue,

did

did by those Orders and Injunctions stay those Suits, and did fully declare by the said Orders, that the owners, if they conceived themselves wronged, might take such remedy as the Law alloweth.

Richard Weston,

John Walter,

Tho. Trevor.

Lo. Newburgh.

John Denham.

George Vernon.

4. *Caroli.*

A The Answer of the Lord Treasurer and Barons, instead of satisfaction expected by the House, was looked upon as a justification of their Actions, whereupon a motion was made to go on, to consider of their proceedings, and whether ever the Court of Exchequer held this course before, for staying of Replevins, and whether this hath been done by Prerogative of the King in his Court of Exchequer.

Not satisfacto-
ry.

B A report was made from the Committee concerning the pardons granted by the King since the last Session, to certain persons questioned in Parliament, and the reporter informed the House, that they do finde upon examination that Dr. *Sibthorpe*, and Mr. *Cosens* did sollicite the obtaining of their own pardons, and that they said the Bishop of *Winchester* would get the Kings hand to them, and it did also appear to the Committee, that the Bishop of *Winchester* did promise the procuring of Mr. *Montagues* pardon, that Dr. *Manwaring* solicited his own pardon, and that the Bishop of *Winchester* got the Kings hand to it, Mr. *Oli-ver. Cromwell* being of this Committee, informed the House what countenance the Bishop of *Winchester* did give to some persons that preached flat Popery, and mentioned the persons by name, and how by this Bishops means, *Manwaring* (who by censure the last Parliament, was disabled for ever holding any Ecclesiasticall dignity in the Church, and confessed the Justice of that Censure) is nevertheless preferred to a rich Living : If these be the steps to Church preferment (said he) what may we expect.

A report con-
cerning par-
dons. Dr.
Manwaring.
Mr. *Montague.*
&c.

Mr. *Cromwell*
against the
Bishop of *Win-*
chester.

D A Petition from the Booksellers and Printers in *London*, was also presented, complaining of the restraint of Books written against Popery and *Arminianism*, and the contrary allowed of by the only means of Dr. *Laud* Bishop of *London*, and that divers of the Printers and Booksel-lers have been sent for by Pursuivants for printing Books against Popery, and that Licencing is only restrained to the Bishop of *London* and his Chaplains, and intanced in certain Books against Popery, which were denied to be Licenced

A complaint of
the non licen-
sing of Books
against Popery

E Upon which occasion Mr. *Selden* declared, that it is true, there is no Law to prevent the Printing of any Books in *England*, only a Decree in Star-Chamber, and he advised that a Law might be made concerning Printing, otherwise he said a man might be Fined, Imprisoned, and his Goods taken from him by vertue of the said Decree, which is a great Invasion upon the Liberty of the Subject.

Mr. *Selden* con-
cerning Print-
ing.

F The House of Commons being informed that an Information was preferred in the Star-Chamber, against *Richard Chamlers* and others, concerning some matters that fell out about their refusal to pay Tün-nage and Poundage since the last Session of Parliament, because the same was not granted by Act of Parliament, they referred the same to a Committee to examine the truth of their proceedings, and that whichever they ought not to have priviledge of Parliament, in regard they had then

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then a Petition depending in Parliament to protect them against the said proceedings, and Sir William Aſton Sheriff of *London*, being examined before the Committee concerning some matters about the Customers, and not giving that cleare Answer which he ought, and as the House conceived he might have done, was therefore committed to the Tower of *London*. And a Question was made in the House at that time, whether the House had at any time before committed a Sheriff of *London* to prison, to which Mr. *Selden* made Answer, that he could not call to mind a precedent of sending one Sheriff of *London* to prison, but he well remembered a precedent of sending both the Sheriffs of *London* to the Tower, and influenced the Case.

Debate about
increase of Popery.

Friday *February* 13. the Parliament fell into consideration of the great increase of Popery, and it was moved to examine the releasing of the Jesuites that were arraigned at *Newgate*, whereof one onely was condemned, though they were ten in number, and they all Priests, and had a Colledge here in *London* about *Clerkenwell*, these men (said some) could not attempt these acts of boldness, but that they have great countenancers.

Secretary Cook
concerning the
Priests
arraigned at
Newgate

Hereupon Secretary *Cook* declared that a Minister of State having notice of these ten persons, and this Colledge intended to be kept at *Clerkenwell*, acquainted his Majesty with it, and I should not discharge my duty, if I should not declare how much his Majesty referred it to the especial care of the Lords of the Council, who examining the same, sent those ten persons to *Newgate*, and gave order to Mr. Attourney to prosecute the Law against them. He further added, that this Colledge was first at *Edmonton*, removed from thence to *Camberwell*, and thence to *Clerkenwell*.

Hereupon it was Ordered that all the Knights and Burgesses of the House, shall to morrow morning declare what knowledge they have of Letters, and other means that have been used for the staying of proceedings against Recusants, and Messengers were sent to Mr. Attourney to examine him touching that matter.

Mr. Long a Justice of Peace
examined.

Mr. *Long* a Justice of Peace, who was said to understand much in the same business, was likewise sent for and examined, and said; that by the appointment of Mr. Secretary *Cook*, he apprehended these persons, and took their Examinations, and said further, that he heard they were delivered out of *Newgate*, by Order from Mr. Attourney; That Mr. *Middlemore* a general Solicitor for the Papists hired this house, and that there are divers Books of Accompts, of Receipts and Disbursements to the value of 300. l. per an. with divers Recusants names, who allowed towards the maintenance of this Colledge, and these Books and papers are in the hands of Mr. Secretary *Cook*.

It was further reported from the Committee, that the Priest taken at *Clerkenwell*, which was condemned, should be Reprieved by a Warrant from the King, signified by a Privy Councillor: and another Warrant was produced by the Keeper of *Newgate*, under the hand of the Kings Attorney General to release the other 9. Priests; to which Mr. Secretary *Cook* replied, the K. being merciful in case of blood, gave direction for the Reprieving the condemned Priest, but the House not willing to let this pass, appointed certain of their Members to go to the Lord chief Justice and the rest of the Judges, who were there present at the Trial, to know why the Papers and Evidences which Mr. *Long* had to produce, were not made use of.

The

The Committee appointed to examine the Attorney-General, reported this answer :

+ *curuli.*

Sir Robert Heath his answer concerning the prosecution of the Priests.

I did receive (said the Attorney) order touching some Persons taken in Clarkenwel, conceived to be Priests, from the Council-Board, and for that refer myself to the Order.

And I conceive I did follow the directions of that Order.

A *I did myself cause them to be sent for from the several prisons where they were formerly committed, and I committed them all to Newgate, as the Order from the Council-Board directed; and I gave directions for Indictments to be drawn against them, as for being Priests; and I sent for, and conferred with the witnesses, and took their Informations: and I sent for Mr. Long who was formerly acquainted with that business, as I was advised to do by Mr. Secretary Cook, and desired him to take special care thereof at the Sessions. And I did not conceive, that by the Order I was directed to go thither myself; but if I had been so directed, and had so conceived it, I should not have declined the service. I know not, nor never heard of any Lands conveyed to the use of these persons, or of any foundation there; but there was some mention made thereof in some of the papers delivered to me by Mr. Secretary, but so generally, as I know not how to enquire thereof; but I did take care to intitle the King to the goods, as the special directions to me was by the Order of the Board; and the Indictment failed to be found against all but one: and I gave warrant to the Treasurers remembrancer of the Exchequer, for a special commission to that purpose; and I advised with Mr. Long, who were fit Commissioners for that purpose; and after with Mr. Scrivener:*
C *and a Commission was granted to Gentlemen of very good quality, and an inquisition is found and returned accordingly, whereby the King is intitled to the goods.*

I had warrant from his Majesty to bayl them: but for the manner of that, I must crave leave to acquaint the King therewith, before I answer any further.

D *I understood that an Indictment was preferred against three of them for Treason, and I did direct Mr. Long, that if the Indictment should not be found for Treason, yet to tender them and all the rest the Oath of Allegiance, to bring them within the Kings mercy, upon a Premunire, if they should refuse the Oath: and I understood the Oath was ministred to them accordingly at that Sessions; and I understood after, that the Indictment was found against one of them onely to be a Priest, and that the other were quit. Therefore receiving an express commandment from the King for the bayling of them, I did conceive they were baylable, which otherwise of my self I would not have done: the Bonds I took, and keep them my self, for the surety, I refer myself to the bond, and understand that*
E *some of them were house-keepers in the Town.*

I gave directions for Indictments to be drawn against them, but I gave no special directions, whether it should be drawn as against Jesuits or Priests, but left that to the care of Mr. Long; and did not then conceive there was any difference in the substance of the Indictment for Treason between Priests and Jesuits.

F *I can give no special reason why I rather bound them to appear at the Council-Table then at the Sessions, but only this, because I received my first directions from the Council-Board.*

When the Sessions was past, I did enquire of Mr. Long what was the success of these Indictments: who informed me, that one only was found guilty of being a Priest; and thereupon I gave order for the Commission before mentioned to enquire of their goods.

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* Lord Nelson afterwards died a Papist.

The Speaker refuses to put the Question.

Mr. Seldens Speech thereupon.

The Speaker again refuseth to put the Question.

Protestation in Parliament propounded whilst the Speaker was held in his chair.

The King sends the Usher of the Lords House.

these interruptions, and they for fear break Parliaments, lest Parliaments should break them: I find him the head of all the great party; the * Papists, all Jesuits and Priests derive from him their shelter and protection, &c. A little interruption being here given, he proceeded further in his Speech: and afterwards the Speaker was moved to put the Question then proposed by the House; but he refused to do it, and said, That he was otherwise commanded from the King..

Then said Mr. Seldens, Dare not you, Mr. Speaker, put the Question when we command you? If you will not put it, we must sit still; thus we shall never be able to do anything; they that come after you, may say, They have the Kings command not to do it: we sit here by the command of the King under the Great Seal, and you are by his Majesty sitting in his Royal Chair before both Houses, appointed our Speaker, and now you refuse to perform your Office.

Hereupon the House in some heat adjourned until Wednesday next.

On Wednesday the 25 of February, both Houses by his Majesties command were adjourned till Monday morning the second of March.

Monday the second of March, the Commons meet, and urge the Speaker to put the Question; who said, I have a command from the King to adjourn till March the tenth, and put no Question: and endeavoring to go out of the Chair, was notwithstanding held by some Members (the House foreseeing a dissolution) till this ensuing Protestation was published in the House: viz.

Whosoever shall bring in Innovation of Religion, or by favour or countenance seek to extend or introduce Popery or Arminianism, or other opinion disagreeing from the Truth and Orthodox Church, shall be reputed a Capital Enemy to this Kingdom and Commonwealth.

2. Whosoever shall counsel or advise the taking and levying of the Subsidies of Tunnage and Poundage, not being granted by Parliament, or shall be an Actor or Instrument therein, shall be likewise reputed an Innovator in the Government, and Capital Enemy to the Kingdom and Commonwealth.

3. If any Merchant or Person whatsoever shall voluntarily yield, or pay the said Subsidies of Tunnage and Poundage, not being granted by Parliament; he shall likewise be reputed a Betrayer of the Liberties of England, and an Enemy to the same.

Hereupon the King sent for the Sergeant of the House, but he was detained, the Door being lockt; then he sent the Gentleman-Usher of the Lords House, with a Message; and he was refused admittance, till the said Votes were read; and then in much confusion the House was adjourned to the tenth of March, according as it was intimated from his Majesty. Nevertheless his Majesty by Proclamation dated the second of March, declares the Parliament to be dissolved.

The passages of this day and the preceding day in Parliament, are hereafter more fully related in the proceedings in the Kings Bench.

By the King.

A Proclamation about the dissolving of the Parliament.

Whereas we for the general good of our Kingdom, caused our high Court of Parliament to assemble and meet by prorogati-

5 *Caroli.*



on, the 21 Day of January last past : ſithence which time the ſame hath been continued- And although in this time by the malevolent diſpoſitions of ſome ill affected perſons of the Houſe of Commons, we have had ſundry juſt Cauſes of offence and diſlike of their proceedings ; yet we reſolved with patience to trie the uttermoſt, which we the rather did, for that we found in that Houſe a great number of ſober and grave Perſons. well-affected to Religion and Government, and deſirous to preſerve unity and peace in all parts of Our Kingdom. And therefore, having on the five and twentieth Day of February laſt, by the uniform advice of our Privy-Council, cauſed both Houſes to be adiourned until this preſent Day, hoping in the mean time, that a better and more right underſtanding might be begotten between Us and the Members of that Houſe, whereby this Parliament might have a happy end and iſſue.

And for the ſame intent, we did again this Day command the like Adjournment to be made, until the tenth Day of this Month : It hath ſo happened by the diſobedient and ſeditious carriage of thoſe ſaid ill affected perſons of the Houſe of Commons, That we, and Our Regal Authority and Commandment, have been ſo highly contemned, as our Kingly Office cannot bear, nor any former age can paralel. And therefore it is Our full and abſolute reſolution to diſſolve the ſame Parliament, whereof we thought good to give notice unto all the Lords Spiritual and Temporal, and to the Knights, Citizens, and Burgeſſes of this preſent Parliament, & to all others whom it may concern, That they may depart about their needful affairs, without attending any longer here. Nevertheless, we will that they and all others ſhall take notice, that we do, and ever will diſtinguiſh between thoſe who have ſhewed good affection to Religion and Government, and thoſe that have given themſelves over to faction, and to work Diſturbance to the peace and good order of Our Kingdom.

Given at our Court at *Whitehal*, this ſecond day of *March*, in the fourth year of Our Reign of Great Britain, France and Ireland.

This Proclamation was not publiſhed till after the tenth of *March*.

The day following Warrants were directed from the Council to *Denzil Holles* Eſq; *Sir Miles Hobart*, *Sir John Elliot*, *Sir Peter Hayman*, *John Selden* Eſq; *William Corriton*, *Walter Long*, *William Stroud*, *Benjamin Valentine*, commanding their perſonal appearance on the morrow. At which time, Mr. *Holles*, *Sir John Elliot*, Mr. *Corriton*, Mr. *Valentine* appearing, and reſuſing to anſwer out of Parliament, what was ſaid and done in Parliament, were committed cloſe priſoners to the Tower, and Warrants were given, the Parliament being ſtill in being, for the ſealing up of the ſtudies of Mr. *Holles*, Mr. *Selden*, and *Sir John Elliot* : Mr. *Long*, and Mr. *Stroud* not then, nor of ſome time after appearing, a Proclamation iſſued out, for the apprehending of them.

On the tenth of *March*, being ſix days after the commitment of the ſaid Members, his Maſteſty being ſet in his Royal Throne with his Crown on his head, and in his Robes, and the Lords in their Robes al-

ſo :

Warrants to apprehend ſeveral Members of Parliament.

An. 1629.

to : and divers of the Commons below the Bar, but not their Speaker, neither were they called : his Majesty spake as followeth.

My Lords,

The Kings
Speech at the
Dissolution of
the Parli-
ament.

I Never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather chuse to do this by Commission, it being a general maxime of Kings, to leave harsh Commands to their Ministers, themselves only executing pleasing things: yet considering that Justice as well consists in reward, and praise of vertue, as punishing of vice; I thought it necessary to come here to day, and to declare to you and all the world, that it was meerly the undutiful and seditious carriage in the Lower House, that hath made the dissolution of this Parliament; and you, My Lords, are so far from being any causers of it, that I take as much comfort in your dutiful demeanour, as I am justly distastd with their proceedings; yet to avoyd their mistakings, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful Subjects as any in the world, it being but some few Vipers among them that did cast this mist of undutifulness over most of their eyes; yet to say truth, there was a good number there, that could not be infected with this contagion; insomuch that some did expresse their duties in speaking, which was the general fault of the House the last day. To conclude, as those Vipers must look for their reward of punishment: so you, My Lords, must justly expect from me that favour and protection, that a good King oweth to his loving and faithful Nobility.

And now, my Lord Keeper, Do what I have commanded you.

Then the Lord Keeper said, My Lords and Gentlemen of the House of Commons, the Kings Majesty doth dissolve this Parliament.

Whilst the King is preparing a Declaration of the causes and motives which induced him to dissolve this Parliament, let us see what followed hereupon.

Libels cast a-
broad.

The discontents of the common people upon this Dissolution were heightned against the powerful men at Court, and the Kings most inward Counsellors: for some few days after, two Libels were found in the Dean of Pauls yard; one against Bishop Laud, to this effect; Laud, look to thy self, be assured thy life is sought; as thou art the fountain of wickedness, repent of thy monstrous sins before thou be taken out of the world; and assure they self, neither God nor the world can endure such a vile Counsellor or whisperer to live. The other was as bad against the L. Treasurer Weston.

Members exa-
mined before
the Lords of
the Council.

The King purposing to proceed against the Members of the House of Commons who were committed to Prison by him in the Star-Chamber, caused certain Questions to be proposed to the Judges upon the 25 of April.

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Questions
propounded to
the Judges
concerning the
imprisoned
Members.

WHereupon all the Judges met at Sergeants-Inne by command from his Majesty, where Mr. Attorney proposed certain Questions concerning the offences of some of the Parliament-men committed to the Tower, and other prisons: at which time one Question was proposed and resolved, viz. That the Statute of 4 H. 8. 8. intituled, An Act concerning Richard Strode, was a particular Act of a Parliament, and extended only to Richard Strode, and to these persons that had joyned with him to prefer a Bill to the House of Commons concerning Tynners; And although the Act be private, and extendeth to them alone, yet it was no more then all other Parliament-men by priviledge of house ought to have, viz. Freedom of speech concerning

cerning those matters debated in Parliament by a Parliamentary course.

The rest of the Questions Mr. Attorney was wished to set down in writing against another day.

Upon Monday following, all the Judges met again, and then Mr. Attorney proposed these Questions.

A 1. Whether if any Subject hath received probable Information of any Treason, or treacherous attempt or intention against the King or State, that Subject ought not to make known to the King, or his Majesties Commissioners, when thereunto he shall be required, what Information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the said Subject in such Case shall refuse to be examined, or to answer the Question which shall be demanded of him, for further inquiry and discovery of the truth, whether it be not a high contempt in him, punishable in the Star-Chamber, as an offence against the general Justice and Government of the Kingdom?

B Sol. The resolution and answer of all the Justices, That it is an offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to danger of Treason or contempt by his answer.

2. Whether it be a good answer or excuse, being thus interrogated, and refusing to answer, to say, That he was a Parliament-man when he received this Information, and that he spake thereof in the Parliament-house; and therefore the Parliament being now ended, he refused to answer to any such Questions but in the Parliament-house, and not in any other place?

C Sol. To this the Judges by advise privately to Mr. Attorney, gave this Answer, "That this excuse being in Nature of a Plea, and an error in judgement, was not punishable until he were over-ruled in an orderly manner to make another answer; and whether the party were brought in *Ore tenus*, or by Information, for this Plea he was not to be punished.

3. Whether a Parliament-man committing an offence against the King or Council not in a Parliament way, might after the Parliament ended, be punished or not?

D Sol. All the Judges *una voce* answered, He might, if he be not punished for it in Parliament; for the Parliament shall not give priviledge to any *contra morem Parliamentarium*, to exceed the bounds and limits of his place & duty. And all agreed, That regularly he cannot be compelled out of Parliament to answer things done in Parliament in a Parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the Acts of a Court.

E 4. Whether if one Parliament-man alone shall resolve, or two or three shall covertly conspire to raise false slanders and rumours against the Lords of the Council and Judges, not with intent to question them in a Legal course, or in a Parliamentary way, but to blast them, and to bring them to hatred of the people, and the Government in contempt, be punishable in the Star-Chamber after the Parliament is ended?

Sol. The Judges resolve that the same was punishable out of Parliament, as an offence exorbitant committed in Parliament, beyond the office, and besides the duty of a Parliament-man.

There was another Question put by Mr. Attorney, viz.

F Whether if a man in Parliament, by way of digression, and not upon any occasion arising concerning the same in Parliament, shall say, The Lords of the Council and the Judges had agreed to trample upon the Liberty of the Subject, and the priviledges of Parliament, he were punishable or not?

The Judges desired to be spared to make any answer thereunto, because it concerned themselves in particular.

The

An. 1629.

The next day Mr. Atturney put the Judges another Case.

It is demanded of a Parliament-man, being called *Ore tenus* before the Court of *Star-Chamber*, being charged that he did not submit himself to examination for such things as did concern the King and the Government of the State, and were affirmed to be done by a third person, and not by himself, if he confels his hand to that refusal, and make his excuse, and plead because he had priviledg of Parliament;

Whether the Court will not over-rule this plea as erroneious, and that he ought to make a further answer.

Answer.

It is the justest way for the King and the party not to proceed *Ore tenus*, because it being a point in Law, it is fit to hear Counsel before it be over-ruled; and upon an *Ore tenus* by the Rules of *Star-Chamber*, Counsel ought not to be admitted; and that it would not be for the Honor of the King, nor the safety of the subject to proceed in that manner.

Mr. Stroud
and Mr. Long
brought upon
a Habeas Cor-
pus.

Pasca 5 Car. upon a *Habeas Corpus* of this Court to bring the body of *William Stroud Esq;* with the cause of his imprisonment to the Marshal of the Kings Bench; It was returned in this manner, That Mr. William Stroud was committed under my custody by vertue of a certain warrant, under the hands of twelve of the Lords of the Privy-Council of the King: the tenor of which Warrant followeth in these words.

You are to take knowledge, that it is his Majesties pleasure and commandment, that you take into your custody the Body of *William Stroud Esq;* and keep him close prisoner till you shall receive other order, either from his Majesty or this Board; for so doing, this shall be your warrant. Dated this 2 of April 1629. And the direction of the Warrant was, To the Marshal of the Kings Bench, or his Depury.

He is also detained in prison by vertue of a Warrant under his Majesties hand; the tenor of which Warrant followeth in these words.

C. R.

Whereas you have in your custody the Body of *William Stroud Esq;* by warrant of Our Lords of our Privy-Council, by Our special Command, you are to take notice, that this commitment was for notable contempts by him committed against Our Self and Our Government, and for stirring up sedition against us, for which you are to detain him in your custody, and to keep him close prisoner until Our pleasure be further known concerning his deliverance. Given at Greenwich, the 7 of May 1629. in the 5 year of Our Reign.

The direction being, To the Marshal of Our Bench for the time being, & he sent cause captionis & detentionis prædicti *Gulielmi Stroud*.

And upon another *Habeas Corpus* to the Marshal of the Household to have the Body of *Walter Long Esq;* in Court, it was returned according as the Return of Mr. Stroud was.

Mr. Ask of the Inner-Temple of Counsel for Mr. Stroud, and Mr. Mason of *Lincolns-Inn* of Counsel for Mr. Long, argued against the insufficiency of the Return; which with the Arguments of the Kings Counsel we here forbear to mention, lest it be too great a diversion to the Reader from the Historical part; yet those and other Arguments we have nevertheless postponed at the end of this first Volume, for the benefit of the Students of the Law: which course as to Arguments in Law, wherein the Prerogative of the one hand, and Liberty and Propertie of the other hand are concerned, we purpose to observe in our next and other Volumes, as matter of that nature falls out in series of Time.

The

The seventh of *May*, an Information was exhibited in the Star-Chamber; which because it is a remarkable Proceeding, we give you here at large.

5 Caroli.

An Information in Star-Chamber against the Members.

Foris Septimo die Maii, Anno Quinto Ca. R.

To the Kings most excellent Majesty,

Humbly sheweth and informeth unto Your most excellent Majesty, Sir *Robert Heath* Knight, Your Majesties Attorney General, for and on Your Majesties behalf, That whereas by the Ancient and Fundamental Laws of this Kingdom, the high Court of Parliament consisteth of the Lords Spiritual and Temporal in the Lords House, and of the Knights, Citizens and Burgeses in the Commons House of Parliament, and those two Houses thus composed, do together make up that great and honourable Body whereof Your most excellent Majesty, as the supreme Sovereign, is the head: and whereas the Power of summoning and assembling of Parliaments, and of continuing, proroguing, adjourning and dissolving thereof within this Realm at Your good pleasure, is the undoubted Right of your Majesty; and the Liberty and Freedom of Speech, which the Members of the said Houses of Parliament have according to the Priviledges of those several Houses, to debate, consult and determine of those things which are propounded amongst them, is, and ever hath been, and ought to be, limited and regulated within the bounds of Moderation and Modesty, and of that Duty which Subjects owe to their Sovereign: and whereas Your Majesty for many weighty Causes, and for the general Good and Defence of the Church and State of this Your Kingdom, lately summoned a Parliament to be holden at Your City of *Westminster*, the seventeenth day of *March*, in the third year of Your Majesties Reign, which continued from thence by prorogation until the twentieth day of *January* last; from which day, until the twenty fifth day of *February* following, the said Houses continued sitting. And although the great part of the House of Commons, being zealous of the Common Good, did endeavour to have effected those good things for which they were called thither; yet between the said twentieth day of *January*, and the said twenty fifth day of *February*, by the malevolent Disposition of some ill-affected Members of the said House, sundry Diversions and Interruptions were there made, and many Jealousies there unjustly raised and nourished, to the disturbance of those orderly and Parliamentary proceedings which ought to have been in so grave a Council. During which time of the said last meeting in Parliament, as aforesaid, so it is, may it please your most excellent Majesty, that Sir *John Elliot* Knight, then, and all the time of the said Parliament, being one of the Members of the said Commons House, wickedly and maliciously intending, under a feigned Colour and Pretence of debating the necessary Affairs of the present estate, to lay a scandal and unjust Aspersion upon the right honorable the Lords, and others of your Majesties most honourable Privy-Council, and upon the reverend Judges, and your Counsel learned, and as much as in him lay to bring them into the hatred and ill opinion of the people; after the said twentieth day of *January*, and before the said twenty fifth day of *February* last, did openly and publicly

Ro. Heath.
Hu. Davenport
Ro. Bartley.
Heneage Finch
William Hudson

An Information in Star-Chamber against Sir Jo. Elliot, &c.

An. 169

ickly in the said House of Commons, tallly and maliciously affirm, That your Majesties Privy-Council, all your Judges, and your Council learned, had conspired together to trample under their feet the Liberties of the said Subjects of this Realm, and the privileges of that House. And further: so it is, may it please your most excellent Majesty, that when your Majesty, upon the twenty fifth day of *February*, had by Sir *John Finch*, Knight, then Speaker of the said house of Commons, signified your Royal pleasure to the said house, that the said house of Commons should be instantly adjourned until the second day of *March* then following, he the said Sir *John Elliot*, and *Denzil Holles* Esquire, *Benjamin Valentine* Gent. *Walter Longe* Esquire, *William Corriton* Esquire, *William Strode* Esquire, *John Selden* Esquire, Sir *Miles Hobert*, and Sir *Peter Hayman*, Knights, all Members at that time of the said Commons house, conceiving with themselves that your Majesty, being justly provoked thereto, would speedily dissolve that Parliament; They the said Sir *John Elliot*, *Denzil Holles*, *Benjamin Valentine*, *Walter Longe*, *William Corriton*, *William Strode*, *John Selden*, Sir *Miles Hobert*, and Sir *Peter Hayman*, and every of them, by unlawful Confederacie and Combination between them in that behalf before had, did maliciously resolve, agree and conspire how and by what means before that Parliament should be dissolved, they might raise such false and scandalous rumours against your Majesties Government, and your Counsellours of Estate attending your person, that thereby as much as in them lyeth, they might disturb the happy Government of this Kingdom by and under your Majesty, interrupt the course of traffique and trade, discourage your Merchants, and raise Jealousies and Suspitions in the hearts of your people, that the Sincerity of the true Religion professed and established in this Kingdom was neglected: and in pursuance of this their Resolution and Confidence aforesaid, the said Sir *John Elliot*, with the privitie and consent of the said *Denzil Holles*, and all other the said confederates, did prepare a paper or writing, wherein he had written, or caused to be written, divers false and scandalous Assertions touching your Majesties Government, and touching the persons of divers of your Privy-Council, which he and they resolved, and conspired, and agreed, should be delivered into the said house of Commons, and there publicly read, to the wicked and seditious intents and purposes aforesaid, and not with any purpose or opinion that those things that were therein contained, if they, or any of them had been true, as indeed they were not, should or could be at that time entertained, or pursued in any legal or Parliamentary way, but meerly and onely to expresse and vent his and their own Malice and Dis-affection of your Majesty and your happy Government. And your Majesty upon the said second day of *March* now last past, having signified Your Royal pleasure unto the said Sir *John Finch*, then the Speaker of that House, That the said House should then be presently adjourned until the tenth day of the said Moneth of *March*, without any further speech or proceedings at that time; and the said Speaker then delivered Your Majesties pleasure and commandment to the said House accordingly, and declared unto them Your Majesties expresse charge and command unto him, That if any should notwithstanding disobey Your Majesties command, that he must forthwith leave the charge, and wait upon Your Majesty: unto which commandment of Your Majesty, and signification of Your

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A Your Royal pleasure in that behalf, for a present adjournment of the House, the greatest number of the Members of that House, in their Duty and Allegiance unto your Majesty, were willing to have given a ready Obedience, as the Lords Spiritual and Temporal of the Lords House, upon the very same day, upon the like signification made unto them of your Majesties pleasure, by your Lord Keeper of your Great Seal of *England*, the Speaker of that House, had done : yet so it is,

B May it please your most Excellent Majesty, That the said Sir *John Ellyot*, for the satisfying of his own malice, and disloyal affections to your Majesty, and by the confederacy and agreement aforesaid, and in a high contempt and disobedience unto your Majesties command aforesaid, and with set purpose to oppose your Majesties said command, did stand up, and several times offered to speak. Whereupon the said Speaker, in obedience to your Majesties said command, endeavoring to have gone out of the chair, the said *Denzil Holles*, and *Benjamin Valentine* being then next the Speakers chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker (where they so placed themselves of purpose on that day) out of their disobedience to your Majestie , and by the confederacy and agreement aforesaid, violently, forcibly, and unlawfully, and with purpose to raise a tumult in the said House, kept and held the said Speaker in the said chair, against his will ; and the said Speaker again endeavoring to leave the chair, and having then gotten out of the

C chair, they, the said *Denzil Holles* and *Benjamin Valentine* laid violent hands upon the said Speaker, forcibly, and unlawfully, and by strong hand thrust him into his chair again ; and then the said Sir *John Ellyot* again stood up, and used these speeches : (*viz.*) “ We have prepared a short Declaration of our intentions, which I hope shall agree “ with the honour of the House, and the Justice of the King : and with that he threw down a paper into the floor of the said House, desiring it might be read : and the said *Denzil Holles*, *Benj. Valentine*, and all

D other the Confederates aforesaid, in disobedience and high contempt of your Majesties said command, called and cryed out to have the same paper read. But some others of the House spake to the contrary, that it might not be read ; and the House thereupon, by reason of the disorderly behaviour of the said Confederates, was much troubled, many pressing violently and tumultuously to have the said paper read, and others dutifully and obediently urging the contrary, to the great disquiet and discomfort of many well-affected Members of that

E House. And the said *William Corriton* in this distemper demeaned himself so passionately and violently, that he then and there violently, forcibly, and unlawfully, assaulted and strooke *Winterton*, Gent. then being a Member of the said House : and divers of the Members of the said House being then desirous, and endeavoring to have gone out of the said House, the said Sir *Miles Hobert* did of his own head, lock the door of the said House, and kept the key thereof, and imprisoned the Members of the said House, being then in the said House against their wills, so

F that none of them could go out. And the said *William Strode*, for the further expressing of his malignity and undutifulness towards your Majesty, and in pursuance of the agreement and confederacy aforesaid, openly moved, and with much earnestness urged, that the said paper or declaration might be first read, to the end (as he then in great contempt of your Royal Majestie said) that we, meaning the Members of the

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house, may not be turned off like scattered sheep, and sent home as we were last Sessions, with a scorn put upon us in print ; meaning thereby the words which your Majesty in your own Person spake at the ending of the last Session, and caused the same to be printed : and the said *Stroud* in a very disorderly manner further moved, That all those who would have the said paper read, should stand up ; which divers of them thereupon did do accordingly, and he the said *Stroud* amongst others did stand up ; and in this heat of contention and height of disobedience, by the confederacy aforesaid to have the said paper read, the said *Sir Peter Hayman* with rough and reproachful words, reproved the said Speaker for being constant and resolute in his obedience to your Majesty, in not putting the reading of the said paper to the Question, as by all the said Confederates, with many Reasons and Arguments he was urged to do : and the said *Sir Peter Hayman* then further said, That the said Speaker was made an Instrument to cut up the Liberty of the Subjects by the roots. But when by no means the said Speaker would be drawn to transgress your Majesties Royal command aforesaid, and lest the said paper should not be read, the said *John Selden* moved, that the Clerk of the said House might read the same : and when the said *Sir John Ellyot* found that he and his Confederates aforesaid, could not procure the said paper to be read ; he, the said *Sir John Ellyot*, to the end he might not lose that opportunity to vent and publish those malicious and seditious Resolutions which he and his Confederates had collected, and prepared as aforesaid, took back the said paper again, and then immediately in the said house, said, *I shall now express that by Tongue, which this paper should have done* ; and then spake these words. “ The miserable condition we are in, both in matters of Religion and Policy, makes me look with a tender eye both to the Person of the King, and to the Subjects : and then speaking of them whom he intended to be ill Instruments in this State, at whom he principally aimed, he said, “ There are amongst them some Prelates of the Church, the great Bishop of *Winchester* and his fellows ; it is apparent what they have done to cast an aspersion upon the honor, and piety, and goodness of the King. These are not all, but it is extended to some others, who I fear in guilt of Conscience of their own desert, do joyn their power with that Bishop and the rest, to draw his Majesty into a jealousie of the Parliament ; amongst them I shall not fear to name the great Lord Treasurer, in whose person I fear is contracted all that which we suffer. If we look into Religion or Policy, I find him building upon the ground laid by the Duke of *Buckingham* his great Master ; from him I fear, came those ill Counsels which contracted that unhappy conclusion of the last session of Parliament ; I find that not only in the afflictions of his heart, but also in relation to him ; and I doubt not to fix it indubitably upon him ; and so from the power and greatness of him, comes the danger of our Religion. For Policy, in that great Question of Tunnage and Poundage, the interest which is pretended to be the Kings, is but the interest of that person, to undermine the Policy of this Government, and thereby to weaken the Kingdom, while he invites strangers to come in to drive our Trade, or at least our Merchants to trade in strangers bottoms, which is as dangerous. Therefore it is fit to be declared by us, that all that we suffer, is the effect of new counsels, to the ruine of the Government of the State ; and to make a protestation against all those men,

“ whether

“whether greater or subordinate, that they shall all be declared as Capital Enemies to the King and Kingdom, that will perswade the King to take Tunnage and Poundage without grant of Parliament; and that if any Merchants shall willingly pay those Duties without consent of Parliament, they shall be declared as Accessories to the rest. Which Words of the said Sir *John Elliot*, were by him uttered as aforesaid, falsely, and maliciously, and seditiously, out of the wickedness of his own affections towards your Majesty, and your gracious and religious Government, and by the Confederacie, Agreement, and Privy of the said other Confederates, and to lay a slander and scandal thereupon; and not with a purpose, or in way to rectifie any thing which he conceived to be amiss, but to traduce and blast those persons against whom he had conceived malice; for so himself the same day in that house said, and laid down as a ground for that he intended to say, “That no man was ever blasted in that house, but a curse fell upon him.

And further: so it is, may it please your most excellent Majesty, That when the said Sir *John Elliot* had thus vented that malice and wickedness which lay in his heart, and, as appeareth by his own words, were expressed in the said paper which was prepared as aforesaid, the said *Walter Longe*, out of his inveterate malice to your Majesty and to your Affairs, and by the confederacy aforesaid, then and there said, *Tha nan who shall gize away my Liberty and Inheritance (I speak of the Merchants) I note them for Capital Enemies to the Kingdome.* And lest the hearers should forget these wicked desperate Positions laid down as aforesaid, and to the end the same might have the deeper impression, and be the more divulged abroad to the prejudice of your Majesty, and of your great Affairs, and to the scandal of your Government, the said *Denzil Holles* collected into several heads what the said Sir *John Elliot* had before delivered out of that paper, and then said, *Whosoever shall counsel the taking up of Tunnage and Poundage without an Act of Parliament, let him be accounted a capital Enemy to the King and Kingdom: And further: What Merchant soever shall pay Tunnage and Poundage without an Act of Parliament, let him be counted a Betrayer of the Liberty of the Subjects, and a Capital Enemy of the King and Kingdom.*

Which Positions thus laid, the said *Denzil Holles* neither being Speaker, nor sitting in the Chair as in a Committee by direction of the House, but in an irregular way, and contrary to all course of orderly proceedings in Parliament, offered to put these things so delivered by him as aforesaid, to the Question, and drew from his confederates aforesaid, an applause and assent, as if these things had been voted by the house.

And further: so it is, may it please your most excellent Majesty, That the disobedience of the said Confederates was then grown to that height, that when *Edward Grimston*, the Serjeant at Arms then attending the Speaker of that house, was sent for by your Majesty, personally to attend your Highness, and the same was made known in the said house, the said Confederates notwithstanding at that time forcibly and unlawfully kept the said *Edward Grimston* locked up in the said house, and would not suffer him to go out of the house to attend your Majesty: and when also on the same day *James Maxwel* Esquire, the Gentleman-Usher of the Black Rod, was sent from your Majesty to the said Commons house with a message immediately from your Majesties

2. 1629.

own person, they the said Confederates utterly refused to open the door of the house, and to admit the said *James Maxwell* to go to deliver his message. After all which, the said house was then adjourned until the said tenth day of *March* then following, and on the said tenth day of *March* the said Parliament was dissolved and ended. In consideration of all which premises, And for as much as the contempt and disobedience of the said *Sir John Ellyot* and other the confederates aforesaid, were so great, and so many and unwarranted by the priviledge and due proceeding of Parliament, and were committed with so high a hand, and are of so ill example, and so dangerous consequence, and remain all unpardoned; Therefore they pray'd a process against them, to answer their contempts in the high Court of *Star-Chamber*.

A

Memorandum, That the 29. of *May*, Anno quinto *Car. Reg.* these words, viz. *After all which the said House was then adjourned until the said tenth day of March; and on the said tenth day of March the said Parliament was dissolved and ended;* were added and inserted by order of the Court, immediately before *In tender consideration, &c.*

B

Proceedings
in *Star-Cham-*
ber against *Mr.*
Chambers.

At the same time *Sir Robert Heath* the Kings Atturney General preferr'd an Information in the *Star-Chamber* against *Richard Chambers* of the City of *London* Merchant; wherein, first, he did set forth the gracious Government of the King, and the great Priviledges which the Merchants have in their Trading, by paying moderate duties for the goods and merchandises exported and imported; and setting forth, that the raising and publishing of undutiful and false speeches, which may tend to the dishonour of the King or the State, or to the discouragement or discontentment of the subject, or to set discord or variance between his Majesty and his good People, are offences of dangerous consequence, and by the Law prohibited, and condemned under several penalties and punishments.

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That nevertheless the said *Richard Chambers*, the 28. day of *September* last, being amongst some other merchants called to the Council-board at *Hampton Court*, about some things which were complained of in reference to the Customs, did then and there, in an insolent manner, in the presence or hearing of the Lords and others of his Majesties Privy Council then sitting in Counsel, utter these undutiful, seditious, and false words, *That the Merchants are in no part of the World so skrewed and wrung as in England; That in Turkey they have more incouragement.* By which words, he the said *Richard Chambers*, as the Information setteth forth, did endeavor to alienate the good affection of his Majesties Subjects from his Majesty, and to bring a slander upon his just Government; and therefore the Kings Attorney prayed process against him.

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His Answer.

To this *Mr. Chambers* made answer, That having a Case of silk Grograms brought from *Bristol* by a Carrier to *London*, of the value of 400. l. the same were by some inferior Officers attending on the Customhouse, seized without this Defendants consent; notwithstanding he offered to give security to pay such Customs as should be due by Law,

and

and that he hath been otherwise grieved and dammed, by the injurious dealing of the under-Officers of the Custome-house; and mentioned the particulars wherein: and that being called before the Lords of the Council, he confesseth, that out of the great sence which he had of the injuries done him by the said inferior Officers, he did utter these words, *That the Merchants in England were more wrung and screwed then in forreign Parts*: Which words were onely spoken in the presence of the

A Privy-Council, and not spoken abroad, to stir up any discord among the people; and not spoken with any disloyal thought at that time of his Majesties Government, but onely intending by these words to introduce his just Complaint against the wrongs and injuries he had sustained by the inferiour Officers; and that as soon as he heard a hard construction was given of his words, he endeavoured by petition to the Lords of the Council, humbly to explain his meaning, that he had not the least evil thought as to his Majesties Government; yet was not permitted to be heard, but presently sent away prisoner to the Marshalsea: and when he was there a prisoner, he did again endeavour by petition to give satisfaction to the Lords of the Council; but they would not be pleased to accept of his faithful explanation which he now makes unto this honourable Court upon his Oath; and doth profess, from the bottom of his heart, *That his speeches onely aimed at the abuses of the inferiour Officers, who in many things dealt most cruelly with him and other Merchants.*

C There were two of the Clerks of the Privy-Council examined as Witnesses to prove the words, notwithstanding the Defendant confessed the words in his Answer as aforesaid, who proved the words as laid in the Information. And on the sixth of May, 1629. the Cause came to be heard in the Star-Chamber, and the Court were of opinion that the words spoken were a comparing of his Majesties Government with the Government of the Turks; intending thereby to make the people believe that his Majesties happy Government may be tearmed D *Turkish Tyranny*; and therefore the Court fined the said *Mr. Chambers* in the sum of 2000 *l.* to his Majesties use, and to stand committed to the prison of the Fleet, and to make submission for his great offence both at the Council-board, in Court of Star-Chamber, and at the Royal Exchange.

There was a great difference of opinion in the Court about the Fine: and because it is a remarkable Case, here followeth the names of each severall person who gave sentence, and the Fine they concluded upon, viz.

Sir Francis Cottington, Chancellour of the Exchequer, his opinion was for 500 *l.* Fine to the King, and to acknowledge his offence at the Council-board, the Star-Chamber-Bar, and Exchange.

Sir Tho. Richardson, Lord chief Justice of the common pleas, 500 *l.* Fine to the King, and to desire the Kings favour.

Sir Nicholas Hyde, Lord chief Justice of the Kings Bench, 500 *l.* and to desire the Kings favour.

Sir John Cook, Secretary of State 1000 *l.*

Sir Humphry May, Chancellour 1500 *l.*

Sir Thomas Edmons 2000 *l.*

Sir Edward Barret 2000 *l.*

Doctor

His Sentence.

An. 1629.

Doctor Neal, Bishop of Winchester	3000 l.	
Doctor Laud, Bishop of London	3000 l.	
Lord Carlton, principal Secretary of State	3000 l.	
Lord , Chancellour of Scotland	2000 l.	
Earl of Holland	1500 l.	
Earl of Doncaster	1500 l.	
Earl of Salisbury	1500 l.	
Earl of Dorset	3000 l.	A
Earl of Suffolk	3000 l.	
Earl of Montgomery, Lord Chamberlain	1500 l.	
Earl of Arundel, Lord High Marshal	3000 l.	
Lord Montague Lord Privy Seal	3000 l.	
Lord Conzoway,	2000 l.	
Lord Weston Lord Treasurer	3000 l.	
Lord Coventry, Lord Keeper of the Great Seal	1500 l.	
So the fine was settled to	2000 l.	B

And all (except the two Chief Justices) concurred for a submission also to be made. And accordingly the copy of the submission was sent to the Warden of the Fleet, from Mr. Attorney General, to shew the said *Richard Chambers*, to perform and acknowledge it; and was as followeth :

A submission
tended.

I *Richard Chambers* of London Merchant, do humbly acknowledge, that whereas upon an Information exhibited against me by the Kings Atturney General, I was in Easter Term last, sentenced by the Honourable Court of Star-Chamber, for that in September last 1628. being convened before the Lords and others of his Majesties most Honourable Privy-Council Board, upon some speeches then used concerning the Merchants of this Kingdome, and his Majesties well and gracious usage of them; did then and there, in insolent, contemptuous and seditious manner, falsely and maliciously say and affirm, That they, meaning the Merchants, are in no parts of the world so skrewed and wrung as in England; and that in Turkey they have more encouragement. And whereas by the sentence of that Honorable Court, I was adjudged among other punishments justly imposed upon me, to make my humble acknowledgment and submission of this great offence at this Honorable Board, before I should be delivered out of the Prison of the Fleet, whereto I was then committed, as by the said Decree and Sentence of that Court, among other things it doth and may appear: Now I the said *Richard Chambers*, in obedience to the Sentence of the said Honorable Court, do humbly confess and acknowledge the speaking of these words aforesaid for the which I was so charged, and am heartily sorry for the same; and do humbly beseech your Lordships all to be Honorable intercessors for me to his Majesty, that he would be graciously pleased to pardon that great error and fault so committed by me.

When Mr. Chambers read this draught of submission, he thus subscribed the same :

His refusal.

All the abovesaid Contents and Submission, I *Richard Chambers* do utterly abhor and detest, as most unjust and false; and never to death will acknowledge any part thereof.

Rich. Chambers.
Also

Also he under-writ these Texts of Scripture to the said Submission, before he returned it.

Places of Scripture mentioned by him.
Isa. 29. 21.

Ecclesi. 11. 7, 8

John 7. 51.
Act. 26. 2.

Exod. 23. 6.
Deut. 16. 19.

Mich. 2. 1, 2.

Ezek. 45. 9 and
46. 8.

Ecclesi. 5. 8.

A

That make a man an offender for a word, and lay a snare for him that reproveth in the gate, and turn aside the just for a thing of nought.

Blame not before thou have examined the truth; understand first, and then rebuke; answer not before thou hast heard the cause, neither interrupt men in the midst of their talk.

Doth our Law judge any man before it hear him, and know what he doth?

King Agrippa said unto Paul, Thou art permitted to speak for thy self.

Thou shalt not wrest the judgment of the poor in his cause, thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the eyes of the righteous.

B

Woe to them that devise iniquity, because it is in the power of their hands, and they covet fields and take them by violence, and houses and take them away: so they oppress a man and his house, even a man and his heritage.

Thus saith the Lord God, Let it suffice you, O Princes of Israel: remove violence and spoyl, and execute judgment and justice, take away your exactions from my people, saith the Lord God.

If thou seest the oppression of the Poor, and violent perverting of judgment and justice in a Province, marvel not at the matter: for he that is higher than the highest regardeth, and there be higher than they.

C

Per me, Richard Chambers.

Afterwards in the Term of Trinity, the 5 ycer of King Charls, it is found in the great Roll of this year, that there is demanded there, of Richard Chambers of London Merchant, 2000 l. for a certain fine imposed on him, hither sent by vertue of a writ of our said Lord the King, under the foot of the great Seal of England, directed to the Treasurer and Barons of this Exchequer, for making execution thereof to the use of the said Lord the King, as is there contained; and now, that is to say, in the 11th of the Blessed Trinity, this Term, comes the said Richard Chambers in his own proper person, and demands Oyer of the demand aforesaid, and it is read unto him; and he demands Oyer also of the Writ aforesaid, under the foot of the Great Seal of England hither sent, and it is read unto him in these words:

London.
His Plea in the Exchequer.

D

E

Charles by the Grace of God, of England, Scotland, France, and Ireland, Defender of the Faith, &c. To his Treasurer and Barons of his Exchequer, health: The extret of certain fines taxed and adjudged by Us and our said Council, in our said Council, in Our Court of Star-Chamber in the Term of St Michael, the Term of St. Hillary, and the Term of Easter last past, upon Thomas Barns of the Parish of St. Clements Danes in the County of Middlesex Carpenter, and others severally and dividedly, as they be there severally assessed, we send unto you included in these presents, commanding that looking into them, you do that which by Law you ought to do against them, for the levying of those fines. Witness our Self at Westminster the 21 of May, in the ycer of Our Reign the 5 Mutas.

F

An. 1609

And the tenor of the Schedule to the said Writ annexed, as to the said *Richard Chambers*, followeth, in these words :

IN the Term of *Easter*, the fifth year of King *Charles*, of *Richard Chambers* of *London* Merchant 2000 *l.* which being read, heard, and by him understood, he complains that he is grievously vexed and inquieted by colour of the Premises; and that not justly, for that protesting that the said great Roll, and the matter therein contained, is not in Law sufficient, to which he hath no need, nor is bound by Law to answer; yet for Plea the said *Richard Chambers* saith, That he, of the demand aforesaid, in the great Roll aforesaid mentioned, and every parcel thereof, ought to be discharged against the said Lord the King, for that he said, That he, from the time of the Taxation of the aforesaid Fine, and long before, was a Freeman and a Merchant of this Kingdom, that is to say, In the Parish of the blessed *Mary* of the *Arches* in the Ward of *Cheap, London*. And that by a certain Act in the Parliament of the Lord *Henry* late King of *England* the Third, held in the ninth year of his reign, it was provided by Authority of the said Parliament, That a Freeman shall not be amerced for a little offence, but according to the manner of the said offence; and for a great offence, according to the greatness of the offence, saving to him his Contenement or Freehold, and a Merchant in the same manner, saving unto him his Merchandize, and a Villain of any other then the King after the same manner to be amerced, saving his Wainage; and none of the said Amercements to be imposed but by the Oaths of good and lawful men of the Neighbourhood: And by a certain other Act in the Parliament of the Lord *Edward* late King of *England* the first, held in the Third year of his reign, it was and is provided, That no City, Burrough, or Town, nor any man should be amerced without reasonable cause, and according to his Trespas; that is to say, A Freeman, saving to him his Contenement; A Merchant, saving to him his Merchandize; and A Villan, saving to him his Wainage: and this by their Peers. And by the same Act in the Parliament of the said Lord *Henry* late King of *England* the Third, held in the ninth year of his reign aforesaid, it was and is provided by Authority of the said Parliament, That no Freeman should be taken or imprisoned, or disseized of his Freehold or Liberties, or free Customs, or outlaw'd or banish'd, or any way destroyed. And that the Lord the King should not go upon him, nor deal with him, but by a lawful judgement of his Peers, or by the Law of the Land. And by a certain Act in the Parliament of the Lord *Edward* late King of *England* the Third, held in the fifth year of his reign, it was and is provided by the Authority of the said Parliament, That no man henceforward should be attached by reason of any Accusation, nor pre-judged of Life or Member, nor that his Lands, Tenements, Goods or Chattels should be seized into the hands of the Lord the King against the form of the great Charter, and the Law of the Land. And by a certain Act in the Parliament of the Lord *Henry* late King of *England* the seventh, held in the third year of his reign, reciting that by unlawful Maintenances given of liveries, signes and tokens, and re- tainers by Indentures, Promises, Oaths, Writings, and other Imbraceries of the Subjects of the said Lord the King, false Demeanors of Sheriffs, in making of Pannels, and other false returns, by taking

A

B

C

D

E

F

of

A " of money by Jurors, by great ryots and unlawful assemblies the poli-
 " cie and good Government of this Kingdom was almost subdued :
 " and by not punishing of the said inconveniences, and by occasion of
 " the Premises, little or nothing was found by Inquisition; by reason
 " thereof, the Laws of the Land had little effect in their execution, to the
 " increase of Murders, Robberies, Perjuries and Insecurities of all men
 " living, to the loss of their Lands and Goods, to the great displeasure
 " of Almighty God; It was ordained for Reformation of the Premises
 " by Authority of the said Parliament, That the Chancellour and
 " Treasurer of *England* for the time being, and the Keeper of the Privy-
 " Seal of the Lord the King, or two of them, calling to them one Bi-
 " shop, one Lord temporal of the most honourable Council of the
 " Lord the King, and two chief Justices of the Kings Bench and Com-
 " mon pleas for the time being, or two other Justices in their absence,
 " by Bill or Information exhibited to the Chancellour for the King or
 B " any other, against any person for any other ill behaviours aforesaid,
 " have Authority of calling before them by Writ or Privie-Seal such
 " Malefactors, and of examining them and others by their discretion,
 " and of punishing such as they finde defective therein according to
 " their demerits, according to the form and effect of the Statutes there-
 " of made, in the same manner and form as they might and ought to be
 " punished if they were thereof convinced according to the due course
 " of Law. And by a certain other Act in the Parliament of the Lord
 C " *Henry* late King of *England* the eighth, held in the one and twentieth
 " year of his reign, reciting the offences in the aforesaid Statute of the
 " said late King *Henry* the seventh beforementioned, by Authority of
 " the said Parliament, it was and is ordained and enacted, That hence-
 " forward the Chancellour, Treasurer of *England*, and the President of
 " the most honourable Privy-Council of the King attending his most
 " honourable person for the time being, and the Lord Keeper of the
 " Privy-Seal of the Lord the King, or two of them, calling to them one
 D " Bishop and one temporal Lord of the most honourable Council of
 " the Lord the King, and two chief Justices of the Kings Bench and
 " Common Pleas for the time being, or two Justices in their absence, by
 " any Bill or Information then after to be exhibited to the Chancellour
 " of *England*, the Treasurer, the President of the said most honourable
 " Council of the Lord the King, or the Keeper of the Privy-Seal of the
 " Lord the King for the time being, for any misdemeanour in the afore-
 " said Statute of King *Henry* the seventh aforesaid before recited, from
 E " henceforth have full power and authority of calling before them, by
 " Writ or by Privy-Seal, such Malefactors, & of examining of them and
 " others by their discretion, and of punishing those that are found de-
 " fective according to their demerits, According to the form and ef-
 " fect of the said Statute of the aforesaid Lord King *Henry* the seventh,
 " and of all other Statutes thereupon made not revoked and expired, in
 " the same manner and form as they might and ought be punished if
 " they were convicted according to the due order of the Laws of the
 F " said Lord the king. And by the aforesaid Writ under the foot of
 " the great Seal, it manifestly appears that the said Fine was imposed
 " by the Lord the king and his Council, and not by the Legal Peers of
 " the said *Richard Chambers*, nor by the Law of the Land, nor according
 " to the manner of the pretended offence of the said *Richard Chambers*.
 " nor saving unto him his Merchandize, nor for any offence mentioned

H.8.21.

An. 1629

“ in the said Statutes: all and singular the which, the said *Richard Chambers* is ready to verifie to the Court, &c. and demands judgment; and
 “ that he be discharge of the said 2000 l. against the said Lord the
 “ now King; and that as to the premises he may be dismissed from
 “ this Court.

1629, 16 June

Waterhouse.

With this Plea, he annexed a Petition to the Lord Chief Baron, and also to every one of the Barons, humbly desiring the filing of the Plea, with other Reasons in the manner of a motion at the Bar, because he said Counsel would not move, plead, nor set hand to it, as further appeareth.

The Copy of the Order upon Mr. Attorneys motion in the Exchequer, the 17 July 1629. after the Plea put in, and order to file it, Per the Lord Chief Baron.

London.
Order in the
Exchequer.

Touching the Plea put into this Court by *Richard Chambers*, to discharge himself of a fine of 2000 l. set on him in the Star-Chamber, Forasmuch as *Sir Robert Heath Knight*, his Majesties Attorney General, informed this Court, that the said *Chambers* in his said Plea recites divers Statutes and Magna Charta, and what offences are punishable in the Star-Chamber, and how the proceedings ought to be; and upon the whole matter concludes, That the said fine was imposed by the King and his Council, and not by a Legal judgment of his Peers, nor by the Laws of the Land, nor according to the manner of his offence, nor saving his Merchandize, nor for any offence mentioned in the said Statutes; which Plea Mr. Attorney conceiving to be very frivolous and insufficient, and derogatory to the honour and jurisdiction of the Court of Star-Chamber, Humbly prayeth, might not be allowed of, nor filed: It is therefore this day ordered, That the said Plea shall be read on Saturday next, and then upon hearing the Kings Counsel, and the Counsel of the said *Richard Chambers*, this Court will declare their further order therein; and in the mean time the said Plea is not to be filed nor delivered out.

In Michaelmas Term following, Mr. Chambers was brought by a *Habeas Corpus* out of the Fleet: and the Warden did return,

Mr. Chambers
brought by a
Habeas Corpus

“ **T**hat he was committed to the Fleet by vertue of a Decree in the
 “ Star-Chamber, by reason of certain words he used at the Council
 “ Table, (viz.) That the Merchants of England were skrewed up here in
 “ England, more then in Turkey. And for these and other words of de-
 “ famation of the Government, he was censured to be committed to the
 “ Fleet, and to be there imprisoned until he made his submission at the
 “ Council Table, and to pay a fine of 2000 l. And now at the Bar
 “ he prayed to be delivered, because this Sentence is not warranted
 “ by any Law or Statute: For the Statute of 3 *Henrici 7.* which is the
 “ foundation of the Court of Star-Chamber, doth not give them any au-
 “ thority to punish for words only. But all the Court informed him,
 “ That

“ That the Court of Star-Chamber was not erected by the Statute of
 “ 3 H. 7. but was a Court many years before, and one of the most high
 “ and honourable Courts of Justice : and to deliver one who was com-
 “ mitted by the Decree of one of the Courts of Justice, was not the u-
 “ sage of this Court; and therefore he was remanded.

5 *cancel.*

A As a concurrant proof of these Proceedings concerning *Mr. Chambers*,
 we shall insert here a Petition of his (though out of time) to the
 Long Parliament, and afterwards renewed to the succeeding Parlia-
 ment : viz.

*To the Parliament of the Commonwealth of Eng-
 land, Scotland and Ireland.*

B The brief Remonstrance and humble Petition of *Richard Chambers* Mer-
 chant, late Alderman and Sheriff of the City of *London* :

S H E W I N G,

C **T** H A T in the Parliament held in the years 1627 and 1628, it was voted and
 declared by the honourable house of Commons, That whosoever shall coun-
 sel or advise the taking or levying of the Subsidie of Tonnage and Poundage, not
 granted by Parliament, or shall be any Assor or Instrument therein, shall be re-
 puted an Innovator in the Government, and a capital Enemy to the Kingdom and
 Commonwealth; and if any Merchant or person whatsoever shall voluntarily
 yield or pay the said Subsidie of Tonnage and Poundage, not being granted by
 Parliament, they shall likewise be reputed Betrayers of the Liberties of Eng-
 land, and Enemies to the same, as may appear by the said Order upon Record.

His Petition
 to the Parlia-
 ment.

D In submission and obedience whereunto, the Petitioner first opposed and with-
 stood the payment of Tonnage and Poundage (until they were settled by Parlia-
 ment) and all other illegal Taxes; for which submission and obedience, in the
 years 1628, and 1629, the Petitioner had 7060 pounds of his Goods wrong-
 fully taken and detained from him by the late Kings Officers and Farmers of the
 Customs-house of London for pretended duties, and a heavy Sentence and Fine
 in the Star-Chamber, which was imposed upon him in the year 1629. besides
 which losses, the Petitioner further suffered in his person by six whole years impris-
 onment in the Fleet, for not submitting to that Sentence and Fine: and in the
 year 1637, nine moneths imprisonment in Newgate for withstanding ship-money:
 E by which losses and imprisonments, the Petitioner was put by the exercise of his
 calling, and was wounded in his credit and reputation.

F Which sufferings the honourable house of Commons (upon the Petitioners
 complaint in the year 1640) taking into their grave considerations, were
 pleased to refer the examination thereof to a Committee of 50 Members, where-
 in were included the Committee for the Navy and Customs; who being well satis-
 fied of the truth thereof, by oath, and other good sufficient proofs upon Record,
 drew up their Report, That the Petitioner ought then to have 13680 pounds in part
 of Reparation, leaving the rest of those Reparations to the further judgement of
 the honourable House, as by the annexed Copy of that report may further ap-
 pear.

In pursuit of which report, the Parliament then levied and received from the
 old Farmers and Officers of the Customs 50 thousand pounds for wrongs and abu-
 ses done to the Petitioner (chiefly) and other Merchants, intending first to

give

An. 1629.

gave to the Petitioner satisfaction out of the same, because he was the first man that opposed the pretended duties, and the greatest sufferer.

Whereupon, in the year 1642. the Petitioner was chosen Alderman, and in the year 1644. Sheriff of the City of London: which places the Petitioner earnestly endeavoured to shun; but such were the earnest importunities, and perswasive encouragements of divers Members of the honourable House, (who then desired to have the Petitioner in place of trust, for his former service to the Commonwealth) that the Petitioner was constrained to accept not onely of the place of Alderman, but further underwent the office and charge of Sheriff of London, which stood the Petitioner in 4000 pounds that year.

But notwithstanding the aforesaid promises and intents of the Parliament to give the Petitioner satisfaction, such were the great compulsive exigents, and urgent necessities of those times, caused by the publick distractions, that the said monies were converted to the publick use; therefore the Parliament desired the Petitioner to have a little patience, promising him speedy satisfaction as well for the forbearance as for the principal debt: but the distractions continuing, and the Petitioner had neither interest nor any part of his principal, the Parliament in the year 1648 in part of satisfaction, settled the Petitioner in the office of Surveyor and Check in the Custom-house of London, then worth at least 600 pounds per annum; but the Petitioner having enjoyed that place onely eight months, was causlessly outed by sinister information of intruders, who have enjoyed that office, and divided the profit thereof between them ever since that intrusion.

Moreover, the late King by Privy Seal, owes to the Petitioners wife (who is the Relict of Mr. Thomas Ferrer) for Linen Cloth 5000 pounds, and for money lent 1200 pounds, for which she was assigned satisfaction out of the Customs of Tobacco; besides, she was further assigned out of Sir Thomas Dawes Office 100 marks per annum: all which debts likewise lie wholly unsatisfied, to the Petitioners great prejudice.

Besides the aforesaid losses, hinderances, expences, sufferings, and forbearances of the profit of the said Office, the Petitioner from time to time hath laid out himself for the common good, in acting, lending, spending, (and serving) when others refused; exposed himself to that eminent danger at Brantford, by leading out a Troop of Horse for the Priviledges, Liberties and Rights of the City of London and Commonwealth, in somuch, that thereby, and for want of his satisfaction aforesaid, the Petitioner having consumed his Estate, hath been constrained to sell and mortgage some part of his Lands to pay Creditors, and to maintain his Family, having a Wife and nine Children; and is likely to be undone for obeying the Parliaments Commands, unless by the justice and commiseration of this honourable Assembly he be speedily relieved and righted, for that ever since the said reported sum, the Petitioner from time to time hath made his humble addresses to the Supreme powers for the time being, for satisfaction thereof; and to be restored to the said Office, but could not prevail.

The Petitioner therefore humbly prays, That he may not perish for acting for the publick good according to the Declaration of Parliament, but that now after 26 years suffering, whereof twelve years in fruitless and wearisome waitings, this honourable Assembly would now be pleased to take the unparalleled sufferings of the Petitioner into their grave considerations, for some speedy course for the Petitioners satisfaction, to pay his Debts, and redeem his Lands, by ordering him the one moyety of his Debt in ready money out of the dayly customs of London, (from whence his first losses and suffer-

sufferings (prang) and the other moiety to be discompted upon such Goods as the Petitioner shall make entries of by Exportation or importation in the Custom-house London, until his debt with the interest be fully satisfied and paid; or any other speedy way, as in your grave wisdoms shall seem meet; and in like manner for his wives Debt, which is to pay Debts and Legacies: and that the Petitioner may forthwith be restored to, and settled in the said Office, and have Reparations from the Intruders.

And the Petitioner with his, shall as in all duty ever pray, &c.

Sept. 6. 1654.

Richard Chambers.

The Petitioner being wearied out with twelve years attendance upon one Parliament, in hopes of reparation for his imprisonment, troubles, and losses, during the eleven years former interval of Parliament, in standing for the Liberty of the Subject, grew infirm; and being not relieved, was reduced to a low estate and condition: he died in Summer 1658. being about the age of seventy years.

His death.

Trinity, 5. Car. Banco Regis. The first day of this Term upon a Habeas Corpus to Sir Allen Apsey the Lieutenant of the Tower, to bring here the body of John Selden Esq; with the cause of Detencer: he returned the same cause as was in Mr. Stroods Case. And Mr. Littleton of the Inner-Temple, of Counsel with Mr. Selden, moved, that the Return was insufficient in substance; therefore pray'd, that he might be bayled: and said, that it was a matter of great consequence both to the Crown of the King, and to the Liberty of the Subject. But as for the difficulty of Law contained in it, he said (under favour) the Case cannot be said Grand. And so proceeded to his Argument (which for the Reasons before mentioned, we have postponed) and concluded, that the Prisoner ought to be bailed.

Mr. Selden brought upon a Habeas Corpus.

The same day Sir Miles Hublord, Benjamin Valentine, Denzil Holles, Esq; were at the Bar upon the Habeas Corpus, directed to several Prisons. And their Counsel were ready at the Bar to have argued the Case for them also. But because the same Return was made for them as for Mr. Selden, they all Declared, they would rely on this Argument made by Mr. Littleton.

Some few days after, Sir Robert Heath the Kings Atturney General argued, that this Return was good; and that Mr. Selden and the rest of the parties ought not to be bailed; and that within the Return there appears good cause of their commitment, and of their detaining also. He said, The Case is great in expectation & consequence, and concerns the Liberty of the Subject on one part, whereof the Argument is plausible; and on the other part it concerns the safety and Sovereignty of the King, which (he said) is a thing of greater weight; and that the consideration of both pertains to you the Judges, without slighting the one, or too much elevating the other: and so proceeded to his Argument (of which more at large hereafter) and concluded, that the Prisoners ought to be remanded.

When the Court was ready to have delivered their opinions in this great business, the Prisoners were not brought to the Bar according to the

An. 1626.

the Rule of the Court. Therefore Proclamation was made, for the keepers of the several Prisons to bring in their Prisoners; but none of them appeared, but the Marshal of the Kings Bench: who informed the Court, that Mr. *Strood* who was in his custody, was removed yesterday, and put in the Tower of *London* by the Kings own warrant; and so it was done with the other Prisoners, for each of them was removed out of his prison in which he was before. But notwithstanding, it was pray'd by the Counsel for the Prisoners, that the Court would deliver their opinion as to the matter in Law: but the Court refused to do that, because it was to no purpose; for the Prisoners being absent, they could not be bailed, delivered, or remanded.

The evening before, there came a Letter to the Judges of this Court from the King himself, informing the Court with the Reasons, wherefore the Prisoners were not suffered to come at the day appointed for the resolution of the Judges. These were the words of the Letter.

A letter from
the King to
the Judges.

To our Trusty and welbeloved, Our Chief
Justice, and the rest of Our Justices of Our
Bench.

C. R.

Trusty and welbeloved, we Greet you well: Whereas by our special commandment we have lately removed Sir Miles Hubbard, Walter Long, and William Strood from the several prisons where they were formerly committed, and have now sent them to our Tower of London; understanding there are various constructions made thereof, according to the several apprehensions of those who discourse of it, as if we had done it to decline the course of Justice: we have therefore thought fit to let you know the true Reason and occasion thereof; as also, why we commanded, those and the other Prisoners should not come before you the last day: we (having heard how most of them a while since did carry themselves insolently and unmannerly both towards us and your Lordships) were and are very sensible thereof; and though we hear your selves gave them some admonition for that miscarriage, yet we could not but resent our Honour, and the Honour of so great a Court of Justice so far, as to let the world know how much we dislike the same: And having understood that your Lordships and the rest of our Judges and Barons of our Court of Common Pleas and Exchequer (whose advices and judgments we have desired in this great business, so much concerning our Government) have not yet resolved the main Question, we did not think the presence of those Prisoners necessary; and until we should find their temper and discretions to be such as may deserve it, we were not willing to afford them favour. Nevertheless, the respect we bear to the proceedings of that Court, hath caused us to give way, that Selden and Valentine should attend you to morrow, they being sufficient to appear before you, since you cannot as yet give any resolute opinion in the main point in Question. Given under our Signet at Our Mannor at Greenwich, this 24 Junii, in the 5 year of our Reign.

Within three hours after the receipt of those Letters, other Letters were brought unto the said Judges, as followeth.

To

5 Caroli.

To Our trusty and well-beloved , Our Chief Justices, and the rest of Our Justices of Our Bench.

C. R.

Another Letter.

TRusty and well-beloved , we greet you well : whereas by our Letters of this days date, we gave you to understand our pleasure, That of those prisoners which by our Commandment are kept in our Tower of London, Selden and Valentine should be brought to morrow before you ; now upon more mature Deliberation, we have resolved, That all of them shall receive the same treatment, and that none shall come before you, until we have cause given us to believe they will make a better demonstration of their Modesty and Civility both towards us and your Lordships then at their last appearance they did.

Given under our Signet at our Mannor at Greenwich, this 24 day of June, in the fifth year of our Reign.

So the Court this Term delivered no opinion , and the imprisoned Gentlemen continued in restraint all the long Vacation.

Note : That in this Term a *Habeas Corpus* was prayed to the Pursevant of Arms for four Constables of *Hertfordshire* , to whose custody they were committed by the Lords of the Privy-Council ; and the *Habeas Corpus* was granted on their behalf : but then they were committed to the Custody of other Pursevants ; and so upon every *Habeas Corpus* they were removed from Pursevant to Pursevant , and could have no fruit of their *Habeas Corpus* all this Term.

There wanted not some, who upon the Kings dissolution of this Parliament, and his ill success in two former Parliaments , did advise that his Majestie for the future , might be no more troubled with the imperinencies of Parliaments ; holding out for example the like discontinuance of assembling the three Estates in *France* , which was in time about four years before the blazing Star, by *Lewis* the eleventh King of *France* , who by reason the third Estate representing the Commons did inroach (as he declared) too much upon the Clergie and Nobility, the King dissolved that Parliament of the three Estates , and never had a free Election of the third Estate afterwards , but ordained another kind of meeting instead thereof, which is called *L' assemblé des Notables* , An assembly of certain eminent persons of his own Nomination ; whereunto he added some Counsellour out of every Court of Parliament : there being eight in all in *France* , and being few in number, and of his own Nomination, would more readily comply with the Kings proposals , and not dispute his will and pleasure, as the general assembly of three Estates had wont to do when the King trenched upon the liberty and property of the Subject : which alteration of the Government, as to the third Estate, hath ever since exposed the Commons to much vassalage and misery , as at this day is apparent by the meanness of their livelyhood, and wearing of wooden shoes.

L' Assemblé des Notables.

That which gives us occasion to mention this last particular, is a little

fff

Tract

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Tract composed to the said end and purpose, and which did this Trinity long Vacation walk abroad, and went from hand to hand, sometime at Court, sometime in the Country, and sometime at the Innes of Court; which we here set down *verbatim* in the Appendix, that the humour of the Author thereof may be the more clearly discerned: and when we come to its proper time and place, you shall see what success this Pamphlet had, when it was questioned in the Star-Chamber.

At letter to the Judges.

Towards the latter end of his Vacation, all the Justices of the Kings Bench, being then in the Country, received every one of them a Letter to be at Sergeants Inne upon *Michaelmas* day. These Letters were from the Council-Table; and the cause expressed in them, was, *That his Majesty had present and urgent occasion to use their service.* The Judges came up accordingly on *Tuesday* being *Michaelmas* day. The next morning about four a clock, Letters were brought to the chief Justice from Mr. *Trumbal* Clerk of the Council then attending, that he, and Judge *Whitlock*, one of the Judges of that Court, should attend the King that morning so soon as conveniently they could: which the Chief Justice and that Judge did at *Hampton* that morning; where the King taking them apart from the Council, fell upon the business of the Gentlemen in the Tower, and was contented they should be bayled notwithstanding their obstinacy in that they would not give the King a Petition, expressing, *That they were sorry he was offended with them*: he shewed his purpose to proceed against them by the common Law in the Kings Bench, and to leave his proceeding in the Star-Chamber. Divers other matters he proposed to the said Judges by way of advice, and seemed well contented with what they answered, though it was not to his minde; which was, *That the offences were not capital, and that by the Law the prisoners ought to be bailed, giving security to the good behaviour*: whereupon the King told them, *That he would never be offended with his Judges, so they dealt plainly with him, and did not answer him by Oracles and Riddles*: both these Judges did at that time what good office they could to bring the King on to heal this breach.

Motion to bail the prisoners.

The first day of *Michaelmas* Term it was moved by Mr. *Mason* to have the Resolution of the Judges; and the Court with one voice said, *That they are now content that they shall be bayled, but that they ought to finde sureties also for the good behaviour*; and Jones Justice said, *That so it was done in the Case which had been often remembered to another purpose, to wit, Russels Case in 9 E. 3.* To which Mr. *Selden* answered, (with whom all the other prisoners agreed in opinion) *That they have their sureties ready for the bayl, but not for the good behaviour; and desire that the bayl might first be accepted, and that they be not urged to the other; and that for these Reasons*:

First, the Case here had long depended in Court (and they have been imprisoned for these thirty weeks) and it had been oftentimes argued on the one side and the other; and those that argued for the King, alwaies demanded that we should be remanded; and those which argued on our side, desired that we might be bayled or discharged: but it was never the desire of the one side or the other that we should be bound to the good behaviour. And in the last Term four several days were appointed for the Resolution of the Court, and the sole point in question was, If baylable or not; therefore he now desires that the matter of bayl and of good behaviour may be severed, and not confounded.

Secondly, because the finding of sureties of good behaviour is seldom urged upon

upon Returns of Felonies or Treasons. And it is but an implication upon the Return, that we are culpable of those matters which are objected.

5 Carol.

3. We demand to be bayled in point of Right; and if it be not grantable of Right, we do not demand it: but the finding of Sureties for the good behaviour is a point of discretion meerly; and we cannot assent to it, without great offence to the Parliament, where these matters which are surmised by the Return were acted; and by the Statute of 4 Hen. 8. all punishments of such nature are made voyd and of none effect; Therefore, &c.

Curia.

The Return doth not make mention of any thing done in Parliament, and we cannot in a iudicial way take notice that these things were done in Parliament. And by Whitlock, The surety of good behaviour, is as a preventing medicine of the damage that may fall out to the Commonwealth; and it is an Act of Government and jurisdiction, and not of Law. And by Crook, It is no inconvenience to the Prisoners: for the same bayl sufficeth, and all shall be written upon one peece of parchment. And Heath Attorney General said, That by the command of the King he had an information ready in his hand to deliver in the Court against them. Hide Chief Justice: If now you refuse to find sureties for the good behaviour, and be for that cause remanded; perhaps we afterwards will not grant Habeas Corpus for you, inasmuch as we are made acquainted with the cause of your imprisonment.

Asbly the Kings Sergeant offered his own bayl for Mr. Holles one of the Prisoners (who had married his daughter and heir.) But the Court refused it; for it is contrary to the course of the Court, unless the Prisoner himself will become bound also.

And Mr. Long that had found sureties in the Chief Justices Chamber for the good behaviour, refused to continue his sureties any longer, inasmuch as they were bound in a great summe of 2000 l. and the good behaviour was a ticklish point. Therefore he was committed to the custody of the Marshal, and all the other Prisoners were remanded to the Tower, because they would not find sureties for the good behaviour.

Accordingly the same Term an Information was exhibited by the Attorney General against Sir John Elliot, Denzil Holles, Sir Benjamin Valentine, reciting, That a Parliament was summoned to be held at Westminster, 17 Martii tertio Caroli Regis, *ibid. inchoat.* and that Sir John Elliot was duly elected, and returned Knight for the County of Cornwall, and the other two Burgeses of Parliament for other places: and Sir John Finch chosen Speaker.

An Information exhibited in the Kings Bench against Sir John Elliot, &c.

That Sir John Elliot *machinans & intendens, omnibus viis & modis, seminare & excitare discord, evil will, murmurings and seditions, as well versus Regem, Magnates, Prelatos, Proceres & Justiciarios suos, quam inter Magnates, Proceres, & Justiciarios, & reliquos Subditos Regis, & totaliter depravare & auertere regimen & gubernationem Regni Angliæ, tam in Domino Rege, quam in Conciliariis & Ministris suis cuiuscunque generis; & introducere tumultum & confusionem, in all Estates and parts, & ad intentionem, That all the Kings Subjects should withdraw their affections from the King. The 23 of February Ann. 4 Carol. in the Parliament, and hearing of the Commons, falso, malitiose & seditiose, used these*

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words, *the Kings Privy Council, his Judges, and his Council learned, have conspired together, to trample under their feet the Liberties of the Subjects of this Realm, and the Liberties of this House.* And afterwards upon the 2 of March, *An. 4.* aforesaid, the King appointed the Parliament to be adjourned until the 10 of March next following, and so signified his pleasure to the House of Commons: and that the three Defendants the said 2 day of March 4 *Car. malitiose*, agreed, and amongst themselves conspired to disturb and distract the Commons, that they should not adjourn themselves according to the Kings pleasure before signified; And that the said Sir John Elliot, according to the agreement and conspiracy aforesaid, had maliciously *in propositum & intentionem predict.* in the House of Commons aforesaid, spoken these false, malicious, pernicious, and seditious words precedent, &c. And that the said Denzil Holles, according to the agreement and conspiracy aforesaid, between him and the other Defendants, then and there, *falso, malitiose, & seditiose*, uttered *hec falsa, malitiosa, & scandalosa verba precedentia, &c.* And that the said Denzil Holles & Benjamin Valentine, *secundum agreementum & conspiracyem predict. & ad intentionem & propositum predict.* uttered the said words upon the said 2 of March, after the signifying the Kings pleasure to adjourn: and the said Sir John Finch the Speaker endeavoring to get out of the chair according to the Kings command, *They vi & armis, manu forti & illicito* assaulted, evil entreated, and forcibly detayned him in the chair; and afterwards, he being out of the chair, they assaulted him in the House, and evil entreated him, *& valenter manu forti & illicito* drew him to the chair, and thrust him into it: whereupon there was great tumult and commotion in the House, to the great terror of the Commons there assembled, against their Allegiance, *in maximum contemptum*, and to the disherison of the King his Crown and Dignity: for which, &c.

The Plea of
Sir John Elliot.

To this Information the Defendants put in a Plea to the jurisdiction of the Court: *Forasmuch as these offences are supposed to have been done in Parliament, they ought not to be punished in this Court, or any other, except in Parliament.* And the Atturney General moved the Court to over-rule the Plea as to the jurisdiction of the Court; and this he said, the Court might do, although he did not demur upon the Plea. But the Court would not over-rule the Plea; but gave a day to joyn in demurr that Term. And on the first day of the next Term, the Record to be read; and within a day after, argued at the Bar.

In Hilary Term following, the Case of *Walter Longe* Esquire, one of the imprisoned Gentlemen, came to hearing in the Star-Chamber, which was as followeth.

Mr Walter
Long's Case in
the Star-
Chamber.

An Information was exhibited into the Star-Chamber, by Sir Robert Heath Knight, his Majesties Atturney General Plaintiff, against the said *Walter Longe* Defendant, for a great and presumptuous Contempt against his Majesty, for breach of duty and trust of his Office, and for manifest and wilful breach of his Oath taken as high

Sheriff

A Sheriff of the County of *Wilts*, and not residing and dwelling in his own person in the said County, according to the said Oath; but being chosen one of the Citizens for the City of *Bath*, in the County of *Somerset*, to serve for the said City in the last Parliament, by colour thereof he remained at *London* or *Westminster* during the time of that Parliament by the space of three months and above, in neglect of his Duty, and in manifest contempt of the Laws of this kingdom: which cause was now by his Majesties said Attorney General brought to hearing upon the Defendants own confession. And upon opening the answer, and reading the examination of the said Defendant, it appeared to this Court, *that the said Defendant Long was by his now Majesty made high Sheriff of the County of Wilts in or about November, in the third year of his Majesties reign, and received his Patent of Sheriffwick for the said County about ten days after; and that he took an Oath before one of the Masters of the Chancery, for the due execution of the said Office of Sheriff of the said County. In which Oath, as appeared by the same there read in Court, he did swear that he would in his own person remain within his Bayliffwick during all the time of his Sheriffwick, unless he had the King licence to the contrary; and that at an Election of Citizens for the said City of Bath, the said Defendant Longe was chosen one of the Citizens to serve for the said City of Bath in the Parliament then summoned, to be holden and commence upon the seventeenth day of March in the said third year of his Majesties reign; and being so chosen and returned by the Sheriff of the Countie of Somerset,*

C *notwithstanding his said Oath taken to remain in his proper person, within his Bayliffwick, unless he were licensed by his Majesties, he the said Defendant did make his personal appearance in the Commons house of Parliament, at the City of Westminster in the County of Middlesex, and did, during the most part of the said Parliament, continue in and about the City of London and Westminster, and did attend in the Parliament as a Citizen for the said City of Bath: during all which time he likewise was and continued high Sheriff for the said County of*

D *Wilts, and had no particular license from his Majesty to the contrary. Upon consideration whereof, as also of the the particular causes and reasons of the Defendants Demurrer and Plea formerly exhibited unto the said Information, the benefit whereof was by order of the Court reserved unto the Defendant to be debated and considered of at the hearing of this cause, and of divers other matters now urged for the Defendant, both to have justified his the said Defendants attendance in Parliament, and his not residence in person in the County whereof he was then Sheriff; and amongst other things, that it properly belonged to the house of Parliament to judge of the justness or unjustness of the said Election; and upon grave and mature consideration thereof had and taken by the Court, their Lordships did not onely conceive the said Demurrer and Plea, and other the Arguments and Reasons used by the Defendant and his Council to be of no weight or strength, but also to be in opposition and derogation of the Jurisdiction of the Court; the reasons moved and urged for the Defendants excuse or justification being clearly answered, and the charges of the*

F *Information made good by Mr. Attorney General, and others of his Majesties Counsel learned. And therefore the whole Court were clear of opinion, and did so declare, "That the said Defendant, who at that time, as high Sheriff, had the custody and charge of the County of Wilts committed unto him by his Majesty, and had taken his Oath*

"accor-

An. 1629

“ according to the Law to abide in his proper person within his Bay-
 “ liffwick during all the time of his Sheriffwick as aforesaid; and whose
 “ trust and imployment did require his personal attendance in the said
 “ Countie, had not onely committed a great offence in violating the
 “ said Oath so by him taken, but also a great misdemeanor in breach
 “ of the trust committed unto him by his Majesty, and in contempt of
 “ his Majesties pleasure signified unto him by and under his Highness
 “ great Seal, when he granted unto him the said Office of Sheriffwick
 “ aforesaid. For which said several great Offences in breach of his
 said Oath, neglect of the trust and duty of his Office, and the great
 and high contempt of his Majesty, their Lordships did hold the said
 Defendant worthy the sentence of the Court; the rather, to the end
 that by this example the Sheriffs of all other Counties may be deterred
 from committing the like offences hereafter, and may take notice that
 their personal residence and attendance is required within their Bay-
 liffwicks during the time of their Sheriffwick. The Court therefore
 thought fit, ordered, adjudged, and decreed, That the said Defendant
 should stand and be committed to the prison of the Tower, there to re-
 main during his Majesties pleasure, and also pay a Fine of two thou-
 sand Marks to his Majesties use; and further, make his humble submissi-
 on and acknowledgement of his offence both in the Court of Star-
 Chamber, and to his Majesty, before his thence enlargement.

Arguments
 concerning Sir
 John Elliot.

The same Term Mr. *Mason* argued in the kings Bench for Sir *John Elliot* against the Information preferred against him (amongst others) by Sir *Robert Heath* the kings Attorney General; and the same day the Attorney General argued in maintenance of the said Information: the Judges also the same day spake briefly to the Case, and agreed with one *Voyce*, That the Court, as this Case is, shall have Jurisdiction, although that these offences were committed in Parliament, and that the imprisoned Members ought to answer.

Jones began and said, “That though this Question be now newly moved, yet it is an ancient Question with him; for it had been in his thoughts these eighteen yeers. For this Information there are three Questions in it :

1. *Whether the matters informed be true or false: and this ought to be determined by Jury or Demurrer.*
2. *When the matters of the Information are found or confessed to be true, if the Information be good in substance.*
3. *Admit that the offences are truly charged, if this Court hath power to punish them: and that is the sole Question of this day.*

“ And it seems to me, that of these offences, although committed in
 “ Parliament, this Court shall have jurisdiction to punish them. The
 “ Plea of the Defendants here to the jurisdiction being concluded with
 “ a Demurrer, is not peremptory unto them, although it be adjudged
 “ against them; but if the Plea be pleaded to the jurisdiction which is
 “ found against the Defendant by verdict, this is peremptory.

In

“In the discussion of this point, I decline these Questions :

5 Caroli.

1. If the matter be voted in Parliament, when it is finished, it can be punished and examined in another Court.

2. If the matter be commenced in Parliament, and that ended, if afterward it may be Questioned in another Court.

A I question not these Matters, but I hold, That an Offence committed criminally in Parliament, may be questioned elsewhere, as in this Court; and that for these Reasons :

First, *Quia interest Reipublicæ ut maleficia non mancant impunita* : and there ought to be a fresh punishment of them. Parliaments are called at the Kings pleasure, and the King is not compellible to call his Parliament; and if before the next Parliament, the party offending, or the witnesses die, then there will be a stay of Justice.

B Secondly, The Parliament is no constant Court ; every Parliament mostly consists of several men, and by consequence they cannot take notice of matters done in the foregoing Parliament ; and there they do not examine by oath, unless it be in Chancery, as it is used of late time.

Thirdly, The Parliament cannot send Process to make the offenders to appear at the next Parliament ; and being at large, if they hear a noise of a Parliament, they will fugam facere, and so prevent their punishment.

C Fourthly, Put the case that one of the Defendants be made a Baron of Parliament, now he cannot be punished in the House of Commons, and so he shall be unpunished.

It hath been objected, That the Parliament is the Superior Court to this, therefore this Court cannot examine their proceedings.

D To this I say, That this Court of the Kings Bench is a higher Court then the Justices of Oyer and Terminer, or the Justices of Assize : But if an offence be done where the Kings Bench is ; after it is removed, this offence may be examined by the Justices of Oyer and Terminer, or by the Justices of Assize. We cannot Question the Judgments of Parliaments, but their particular offences.

2. Obj. It is a Priviledge of Parliament, whereof we are not competent Judges.

E To this I say, That *Privilegium est privata Lex, & privat legem*. And this ought to be by grant prescription in Parliament, and then it ought to be pleaded for the manner, as is 33 Hen. 8 Dy. as it is not here pleaded. Also we are Judges of all Acts of Parliament : as, 4 Hen. 7. Ordinance made by the King and Commons is not good, and we are Judges what shall be said a Session of Parliament, as it is in *Plowden* in *Partridges Case*. We are Judges of their lives and lands, therefore of their Liberties. And 8 Eliz. (which was cited by Mr. Attorney) it was the opinion of *Dyer*, *Outlyn*, *Welsh*, *Brown* and *Southcot*, Justices, That offences committed in Parliament may be punished out of Parliament. And 3 Ed. 3. 19. it is good Law. And it is usual neer the end of Parliaments to set some petty punishment upon offenders in Parliament, to prevent other Courts. And I have seen a Roll in this Court, in 6 H. 6. where judgment was given in a writ of annuity in *Ireland*, and afterwards the said judgment was rever-

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reverted in Parliament in *Ireland*; upon which judgment, Writ of Error was brought in this Court, and reversed.

Lord Chief
Justice Hyde.

Hide Chief Justice, to the same intent : " No new matter hath been offered to us now by them that argue for the Defendants, but the same Reasons and Authorities in substance, which were objected before all the Justices of *England* and Barons of the Exchequer, at *Sergeants-Inn* in *Fleet-Street*, upon an Information in the *Star-Chamber* for the same matter. At which time after great deliberation it was resolved by all of them, *That an offence committed in Parliament, that being ended, may be punished out of Parliament.* And no Court more apt for that purpose then this Court in which we are : and it cannot be punished in a future Parliament, because it cannot take notice of matters done in a foregoing Parliament.

" As to that that was said, That an Inferiour Court cannot meddle with matters done in a Superior ; True it is, That an Inferior Court cannot meddle with judgments of a Superior Court ; but if the particular members of a Superiour Court offend, they are oftentimes punishable in an Inferior Court : As, if a Judge shall commit a capital offence in this Court, he may be arraigned thereof at *Newgate*. 3 E. 3. 19. and 1 Mar. which have been cited, over-rule this case. Therefore.

Justice Whitlock.

Whitlock accordingly :

1. *I say in this Case, Nihil dictum quod non dictum prius.*
2. *That all the Judges of England have resolved this very point.*
3. *That now we are but upon the brink and skirts of the Cause : for it is not now in Question if these be offences or no ; or, if true or false ; but only if this Court have jurisdiction.*

But it hath been objected, *That the offence is not capital, therefore it is not examinable in this Court.*

But though it be not capital, yet it is criminal, for it is sowing of sedition to the destruction of the Commonwealth. The Question now is not between us that are Judges of this Court and the Parliament, or between the King and the Parliament ; but between some private Members of the House of Commons and the King himself : for here the King himself questions them for those offences, as well he may. In every Commonwealth there is one supereminent Power which is not subject to be questioned by any other ; and that is the King in this Commonwealth, who, as *Bracon* saith, *solum Deum habet ultorem.* But no other within the Realm hath this Privilege. It is true, that that which is done in Parliament by consent of all the house, shall not be questioned elsewhere ; but if any private Members *exuunt personas judicum, & induunt malefactorum personas, & sunt seditiosi*, is there such Sanctimony in the place, that they may not be questioned for it elsewhere ? The Bishop of *Ross*, as the Case hath been put, being Embassadour here, practised matters against the State. And it was resolved, That although *Legatus sit Rex in alieno solo*, yet when he goes out of the bounds

of

of his Office, and complots with Traytors in this Kingdom, that he shall be punished as an offender here. A Minister hath a great Priviledge when he is in the Pulpit; but yet if in the Pulpit he utter speeches which are scandalous to the State, he is punishable: so in this Case, when a Burgeſs of Parliament becomes mutinous, he shall not have the Priviledge of Parliament. In my opinion, the Realm cannot conſiſt without Parliaments, but the behaviour of Parliament-men ought to be Parliamentary. No outrageous speeches were ever uſed againſt a great Miniſter of State in Parliament, which have not been puniſhed. If a Judge of this Court utter ſcandalous ſpeeches to the State, he may be queſtioned for them before Commiſſioners of Oyer and Terminer, becauſe this is no judicial act of the Court.

But it hath been objected:

B *That we cannot examine Acts done by a higher Power.*

To this I put this Case: When a Peer of the Realm is arraigned of Treason, we are not his Judges, but the high Steward, and he shall be tryed by his Peers: But if errour be committed in this proceeding, that shall be reverſed by errour in this Court; for that which we do, is *Coram ipſo Rege*.

C It hath been objected:

That the Parliament-Law differs from the Law by which we judge in this Court in ſundry Caſes. And for the inſtance which hath been made, *That by the Statute none ought to be choſen Burgeſſe of a Town in which he doth not inhabit, but that the uſage of Parliament is contrary.* But if Information be brought upon the ſaid Statute againſt ſuch a Burgeſs, I think that the Statute is a good warrant for us to give judgement againſt him.

D And it hath been objected:

That there is no Preſident in this matter.

E But there are ſundry Preſidents by which it appears that the Parliament hath tranſmitted matters to this Court, as 2 R. 2. there being a queſtion between a great Peer and a Biſhop, it was tranſmitted to this Court, being for matter of behaviour: and although the Judges of this Court are but inferiour men, yet the Court is higher: for it appears by the 11 Eliz. Dy. That the Earl Maſſhal of England is an Officer of this Court; and it is always admitted in Parliament, That the priviledges of Parliament hold not in three Caſes, to wit, *in caſe of Treason; ſecondly, in caſe of Felony, and in ſuit for the peace;* and the laſt is our very caſe. Therefore, &c.

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Crook argued to the same intent (but I did not well hear him :) he said, *That these offences ought to be punished in the Court, or no where; and all manner off offences which are against the Crown, are examinable in this Court.*

It hath been objected :

That by this means none will adventure to make his complaints in Parliament.

That is not so, for he may complain in a Parliamentary course, but not falsely and unlawfully, as here is pretended; for that which is unlawfully, cannot be in a Parliamentary course.

It hath been objected :

That the Parliament is a higher Court then this is.

And it is true : But every Member of Parliament is not a Court; and if he commit offence, he is punishable here. Our Court is a Court of high jurisdiction, it cannot take cognizance of real Pleas; but if a real Plea comes by Error in this Court, it shall never be transmitted. But this Court may award a *grand Cape*, and other Process usual in real Actions : But of all capital and criminal causes we are originally competent Judges, and by consequence of this matter. But I am not of the opinion of Mr. Attorney General, that the word *proditore*, would have made this Treason. And for the other matters, he agreed with the Judges. Therefore by the Court, the Defendants were ruled to plead further : and Mr. *Lenthal* of *Lincolns-Inn* was assigned of Counsel for them.

Judgment.

Judgment pronounced.

Inasmuch as the Defendants would not put in other Plea the last day of the Term, judgment was given against them upon a *nihil dicit*; which judgment was pronounced by *Jones* to this effect :

“ The matter of the Information now by the confession of the Defendants is admitted to be true, and we think their Plea to the jurisdiction insufficient for the matter and manner of it. And we hereby will not draw the true Liberties of Parliament-men into Question; to wit, for such matters which they do or speak in Parliamentary manner. But in this case there was a conspiracy between the Defendants to slander the State, and to raise sedition and discord between the King his Peers and People; and this was not a Parliamentary course. All the Judges of England, except one, have Resolved the Statute of 4 Hen. 8. to be a private Act, and to extend to *Stroud* only. But every Member of the Parliament shall have such Privileges as are there mentioned; but they have no Privilege to speak at their pleasure. The Parliament is an high Court, therefore it ought not to be disorderly, but ought to give good example to other Courts. If a Judge of our Court shall rayl upon the State or Clergy, he is punishable for it. A Member of the Parliament may charge any great Officer of the State with any particular offence; but this was a malicious accusation in the generality of all the Officers of State, therefore the matter contained within the Information is a great offence, and punishable in this Court.

2. “ For



2. "For the punishment, although the offence be great, yet that
"shall be with a light hand, and shall be in this manner.

1. That every of the Defendants shall be imprisoned during the Kings pleasure : Sir John Elliot to be imprisoned in the Tower of London, and the other Defendants in other Prisons.

2. That none of them shall be delivered out of Prison until he give security in this Court for his good behaviour, and have made submission and acknowledgment of his offence.

3. Sir John Elliot, inasmuch as we think him the greatest offender, and the ringleader, shall pay a fine to the King of 2000 l. and Mr. Holles, a fine of 1000 marks : and Mr. Valentine, because he is of less ability then the rest, shall pay a fine of 500 l. And to all this, all the other Justices with one voice accorded.



F I N I S.



The

APPENDIX.

*His Majesties Declaration to all his Loving Subjects,
of the Causes which moved him to dissolve the last
Parliament, March 10. 1628.*

The Kings Declaration of the causes, which moved him to dissolve the last Parliament.



Howsoever Princes are not bound to give accompt of their Actions but to God alone; yet for the satisfaction of the minds and affections of Our Loving Subjects, We have thought good to set down thus much by way of Declaration, that We may appeare to the world in the truth and sincerity of Our Actions, and not in those Colours, in which We know some turbulent and ill-affected spirits (to malique and disguise their wicked intentions, dangerous to the State) would represent Us to the publick view.

We assembled our Parliament the 17th. day of *March*, in the third yeer of Our Reigne, for the safety of Religion, for securing Our Kingdoms and Subjects at home, and Our friends and Allies abroad. And therefore at the first sitting down of it, We declared the miserable afflicted estate of those of the reformed Religion, in *Germany, France*, and other parts of Christendome; the distressed extremities of Our dearest Uncle, the King of *Denmark*, chased out of a great part of his Dominions; the strength of that Party which was united against Us; That (besides the Pope and the house of *Austria*, and their antient confederates) the French King professed the rooting out of the Protestant Religion; That, of the Princes and States on Our party, some were overrun, others diverted, and some disabled to give assistance. For which, and other important motives, We propounded a speedy supply of Treasure, answerable to the necessity of the Cause.

These things in the beginning were well resented by the House of Commons, and with much alacrity and readinesse, they agreed to grant a liberall aid: But before it was brought to any perfection, they were diverted by a multitude of Questions, raised amongst them, touching their Liberties and Priviledges, and by other long disputes, that the Bill did not passe in a long time; and by that delay, Our affairs were put into a far worse case then at the first; Our Foraigne Actions then in hand being thereby disgraced and ruined, for want of timely help.

In this, as We are not willing to derogate from the merit and good intentions of those wise and moderate men of that House, (to whose forwardnesse We attribute it, that it was Propounded and Resolved so soon); so We must needs say, that the delay of passing it when it was resolved, occasioned by causlesse jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply. And their spirit, infused into many of the Commissioners and Assessors in the Country, hath returned up the Subsidies in such a scanty proportion, as is infinitely short, not onely of Our great occasions, but of the preidents of former Subsidies, and of the intentions of all well-affected men in that House.

In those large Disputes, as We permitted many of Our high prerogatives to be debated, which in the best times of Our Predecessors had never been questioned, without punishment or sharp reproof; so We

did endeavour to have shortned those debates, for winning of time, which would have much advantaged Our great affairs, both at home and abroad. And therefore both by speeches and messages, We did often declare Our gracious and clear resolution, to maintain, not onely the Parliament, but all our People, in their antient and just liberties, without either violation or diminution; and in the end, for their full satisfaction and security, did by an Answer, framed in the form by themselves desired, to their Parliamentary Petition, confirm their antient and just Liberties and Rights, which We resolve, with all constancy and justice, to maintain.

This Parliament, howsoever besides the settling Our necessary supply, and their own liberties, they wasted much time in such proceedings, (blasting Our Government, as We are unwilling to remember) yet We suffered them to sit, untill themselves desired Us to appoint a time for their Recess, not naming either Adjournment or Prorogation.

Whereupon by advice of Our Council, We resolved to prorogue and make a Session; and to that end prefixed a day, by which they might (as was meet in so long a Sitting) finish some profitable and good Lawes; and withall gave order for a gracious Pardon to all Our Subjects: which, according to the use of former Parliaments, passed the Higher House, and was sent down to the Commons. All which being graciously intended by Us, was ill-entertained by some disaffected persons of that House, who by their artifices, in a short time raised so much heat and distemper in the House, for no other visible cause, but because We had declared Our resolution to Prorogue, as Our Council advised, and not to Adjourn, as some of that House (after Our resolution declared, and not before) did manifest themselves to affect; that seldome hath greater passion been seen in that House, upon the greatest occasions. And some glances in the House, but upon open rumors abroad, were spread, That by the Answer to the Petition, We had given away, not onely Our Impositions upon Goods, exported and imported, but the Tunnage and Poundage, (whereas in the debate and hammering of that Petition, there was no speech or mention in either House concerning those Impositions, but concerning Taxes and other charges within the Land; much lesse was there any thought thereby to debar Us of Tunnage and Poundage, which both before and after the Answer to that Petition, the House of Commons, in all their speeches and treaties, did professe they were willing to grant). And at the same time, many other misinterpretations were raised of that Petition and Answer, by men, not well distinguishing between well ordered liberty, and licentiousnesse; as if by Our Answer to that Petition, We had let loose the reynes of Our Government. And in this distemper, the House of Commons, laying aside the Pardon, (a thing never done in any former Parliament) and other businesse, fit to have been concluded that Session, some of them went about to frame and contrive a Remonstrance against Our receiving of Tunnage and Poundage, which was so far proceeded in, the night before the prefixed time, for concluding the Session, and so hastned by the contrivers thereof, that they meant to have put it to the Vote of the House the next morning, before We should prorogue the Session. And therefore finding Our gracious favours in that Session, afforded to Our people, so ill required, and such sinister straines made upon Our Answer

to that Petition, to the diminution of Our profit, and (which was more) to the danger of Our Government: We resolved to prevent the finishing of that Remonstrance; and other dangerous intentions of some ill-affected persons, by ending the Session the next morning, some few hours sooner then was expected; and by Our Own Mouth to declare to both Houses the cause thereof; and for hindring the spreading of those sinister interpretations of that Petition and Answer, to give some necessary directions, for settling and quieting Our Government, untill another Meeting; which we performed accordingly the six and twentieth of *June* last.

The Session thus ended, and the Parliament risen, that intended Remonstrance gave Us occasion to look into the businesse of Tunnage and Poundage. And therefore, though Our necessities pleaded strongly for Us, yet We were not apt to strain that point too far, but resolved to guide Our Self by the practise of former Ages, and examples of Our most noble Predecessors; thinking those counsels best warranted, which the wisdom of former Ages, concurring with the present occasions, did approve; and therefore gave order for a diligent search of Records: upon which it was found, That although in the Parliament holden in the first yeer of the reigne of King *Edward* the fourth, the Subsidy of Tunnage and Poundage was not granted unto that King, but was first granted unto him by Parliament in the third yeer of his Reigne; yet the same was accounted and answered to that King, from the first day of his Reigne, all the first and second yeers of his Reigne, and, untill it was granted by Parliament. And that in the succeeding times of King *Richard* the Third, King *Henry* the Seventh, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary*, and Queen *Elizabeth*, the Subsidy of Tunnage and Poundage was not onely enjoyed by every of those Kings and Queens, from the death of each of them deceasing, untill it was granted by Parliament unto the Successor; but in all those times (being for the most part peacable, and not burdened with like charges and necessities, as these modern times) the Parliament did most readily and cheerfully, in the beginning of every of those Reignes, grant the same, as a thing most necessary for the guarding of the Seas, safety and defence of the Realm, and supportation of the Royall Dignity. And in the time of our Royall Father of blessed memory, he enjoyed the same a full yeer, wanting very few daies, before his Parliament began; and above a yeer before the Act of Parliament for the grant of it was passed. And yet when the Parliament was assembled, it was granted without difficulty. And in Our Own time, We quietly received the same three years and more, expecting with patience, in severall Parliaments, the like grant thereof, as had been made to so many of Our Predecessors; the House of Commons still professing, That multitude of other busineses, and not want of willingnesse on their part, had caused the settling thereof to be so long deferred. And therefore finding so much reason and necessity, for the receiving of the ordinary Duties in the Custom-house, to concur with the practice of such a succession of Kings and Queens, famous for Wisdom, Justice, and Government; and nothing to the contrary, but that intended Remonstrance, hatched out of the passionate brains of a few particular persons; We thought it was so far from the wisdom and duty of a House of Parliament, as We could not think, that any moderate and discreet man, (upon composed thoughts, setting aside

passion and distemper) could be against receiving of Tunnage and Poundage; especially since We do, and still must, pursue those ends, and undergo that charge, for which it was first granted to the Crown; It having been so long and constantly continued to Our Predecessors, as that in four severall Acts of Parliament for the granting thereof to King *Edward* the Sixth, *Queen Mary*, *Queen Elizabeth*, and Our blessed *Father*. It is in expresse terms mentioned, to have been had and enjoyed by the severall Kings, named in those Acts, time out of minde, by authority of Parliament. And therefore upon these reasons, We held it agreeable to Our Kingly Honour, and necessary for the safety and good of Our Kingdom, to continue the Receipt thereof, as so many of Our Predecessors had done. Wherefore when a few Merchants (being at first but one or two), fomented, as it is well known, by those evill spirits, that would have hatched that undutifull Remonstrance, began to oppose the payment of Our accustomed Duties in the Custom-house, We gave order to the Officers of Our Customs to go on, notwithstanding that opposition, in the receiving of the usuall Duties; and caused those, that refused, to be warned to attend at the Councill-board, that by the wisdom and authority of Our Councill, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that Presence, behaved themselves with such boldnesse and insolency of speech, as was not to be endured by a far meaner Assembly, much lesse to be countenanced by a House of Parliament, against the Body of Our Privy Councill.

And as in this We did, what in reason and honour was fit for the present, so Our Thoughts were daily intentive upon the re-assembling of Our Parliament, with full intention on Our part, to take away all ill-understanding between Us and Our people; whose loves, as We desired to continue and preserve, so We used Our best endeavours, to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of Our Government, both in the Church and Common-wealth, and what things were most fit and necessary to be reformed: We found in the first place, that much exception had been taken at a Book, entituled, *Appello Casarem*, or, *An Appeal to Cesar*; and published in the year 1625. by *Richard Montague*, then Batchelor of Divinity, and now Bishop of *Chichester*; and because it did open the way to those schisms and divisions, which have since ensued in the Church, We did, for remedy and redresse thereof, and for the satisfaction of the consciences of Our good people, not onely by Our publick Proclamation, call in that Book, which ministred matter of offence, but to prevent the like danger for hereafter, re-printed the Articles of Religion, established in the time of *Queen Elizabeth* of famous memory; and by a Declaration before those Articles, We did tie and restrain all opinions to the sense of those Articles, that nothing might be left for private fancies and innovations. For, We call God to record, before whom We stand, that it is, and alwaies hath been, Our hearts desire, to be found worthy of that Title, which We account the most glorious in all our Crown, *Defender of the Faith*. Neither shall We ever give way to the authorising of any thing, whereby any Innovation may steal or creep into the Church; but to preserve that unity of Doctrine and Discipline, established in the time of *Queen Elizabeth*, whereby the Church of *England* hath stood and flourished ever since.

And

A And as we were carefull to make up all breaches and rents in Religion at home, so did We, by Our Proclamation and Commandment, for the execution of Lawes against Priests, and Popish Recusants, fortifie all waies and approaches against that forraigne Enemy ; which if it have not succeeded according to Our intention, We must lay the fault where it is, in the subordinate Officers, and Ministers in the Country, by whose remissness, Jesuites and Priests escape without apprehension ; and Recusants, from those convictions and penalties, which the Law and Our Commandment would have inflicted on them. For We do professe, That, as it is Our duty, so it shall be our care, to command and direct well ; but it is the part of others, to perform the ministeriall office. And when We have done Our office, We shall account Our Self, and all charitable men will account Us innocent, both to God and men. And those that are negligent, We will esteem as culpable both to God and Us ; and therefore will expect, that hereafter they give Us a better account.

B And, as We have been carefull for the settling of Religion, and quieting the Church ; so were We not unmindfull of the preservation of the just and antient Liberties of Our Subjects, which we secured to them by our gracious Answer to the Petition in Parliament, having not since that time done any act whereby to infringe them. But Our care is, and hereafter shall be, to keep them entire and inviolable, as We would do Our Own Right and Sovereignty, having for that purpose enrolled the Petition and Answer in our Courts of Justice.

C Next to the care of Religion, and of Our Subjects Rights, We did Our best for the provident and well-ordering of that aid and supply, which was granted us the last Session, whereof no part hath been wastefully spent, nor put to any other use, than those for which it was desired and granted ; as upon payment of Our Fleet and Army : wherein Our care hath been such, as We chose rather to discontent Our dearest Friends and Allies, and Our nearest Servants, than to leave Our Souldiers and Marriners unsatisfied, whereby any vexation or disquiet might arise to our People. We have also, with part of those monies, begun to supply our Magazines, and stores of Munition, and to put Our Navy into a constant form and order. Our Fleet likewise is fitting, and almost in a readinesse, whereby the Narrow Seas may be guarded, Commerce maintained, and Our Kingdome secured from all forraign attempts. These acts of Ours might have made this impression in all good minds, that We were carefull to direct Our counsells, and dispose Our actions, as might most conduce to the maintenance of Religion, honour of Our Government, and safety of Our People. But with mischievous men once ill-affected, *seu bene, seu male facta premunt*, and whatsoever once seemed amiss is ever remembered ; but good endeavours are never regarded.

E Now all these things that were the chief complaints the last Session, being by Our Princely care so seriously reformed, the Parliament re-assembled the 20th of January last. We expected, according to the candor and sincerity of our own thoughts, that men would have framed themselves for the effecting of a right understanding between Us and Our People. But some few malevolent persons, like Empericks and lewd Artists, did strive to make new work, and to have some disease on foot, to keep themselves in request, and to be employed and entertained in the cure. And yet to manifest how much offences have
F been

been diminished, The Committees for Grievances, Committees for Courts of Justice, and Committees for Trade, have, since the sitting down of the Parliament, received few Complaints, and those such, as they themselves have not thought to be of that moment or importance, with which Our Ears should be acquainted.

No sooner therefore was the Parliament set down, but these ill-affected men began to sow and disperse their jealousies, by casting out some glances and doubtfull speeches, as if the Subject had not been so clearly and well dealt with, touching their liberties, and touching the Petition answered the last Parliament. This being a plausible Theam, thought on for an ill purpose, easily took hold on the minds of many, that knew not the practice. And thereupon the second day of the Parliament, a Committee was appointed to search, whether the Petition and our Answer thereunto were enrolled in the Parliament Role, and in the Courts at *Westminster*, and in what manner the same was done. And a day also was then appointed, on which, the House being resolved into a Committee, should take into consideration those things, wherein the liberty of the Subject had been invaded, against the Petition of Right. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against our proceedings, in such as were not well acquainted with the sincerity and clearness of them. There followed another of no lesse skill; for although Our proceeding, before the Parliament, about matters of Religion, might have satisfied any moderate men of Our zealous care thereof, (as we are sure it did the most) yet, as bad stomachs turn the best things into their own nature, for want of good digestion; so those distempered persons have done the like of Our good intents, by a bad and sinister interpretation: For, when they did observe, that many honest and religious minds in that House, did complain of those dangers that did threaten the Church; they likewise took the same word in their mouth, and their cry likewise was, *Templum Domini*, *Templum Domini*, when the true care of the Church never came into their hearts: and what the one did out of zeal unto Religion, the other took up as a plausible Theam, to deprave Our Government, as if We, Our Clergy, and Councill, were either senseless or careless of Religion. And this wicked practise hath been, to make Us seem to walk before Our people, as if We halted before God.

Having, by these artifices, made a jealous impression in the hearts of many; and a day being appointed to treat of the Grant of Tunnage and Poundage, at the time prefixed, all expresse great willingness to grant it. But a new strain is found out, that it could not be done, without great perill to the right of the Subject, unless We should disclaim any right therein, but by grant in Parliament; and should cause all those Goods to be restored, which, upon commandment from Us, or Our Councill, were stayed by our Officers, untill those Duties were paid, and consequently should put Our Selves out of the possession of the Tunnage and Poundage, before they were granted; for else, it was pretended, the Subject stood not in fit case to grant it. A fancy and cavill raised of purpose to trouble the business; it being evident, that all the Kings before named did receive that Duty, and were in actuall possession of it, before, and at the very time, when it was granted to them by Parliament. And although We, to remove all difficulties, did from Our own Mouth, in those clear and open terms, that might have satisfied

fied any moderate and well-disposed minds, declare, That it was Our meaning, by the gift of Our people, to enjoy it, and that we did not challenge it of right, but took it *de bene esse*, shewing thereby, not the right, but the necessity, by which We were to take it, (wherein We descended, for their satisfaction, so far beneath Our self, as We are confident, never any of Our Predecessors did the like, nor was the like ever required or expected from Them). Yet for all this, the Bill of Tunnage and Poundage was laid aside, upon pretence, they must first clear the right of the Subject therein; under colour whereof, they entertain the complaints, not onely of *John Rolles*, a Member of their House, but also of *Richard Chambers*, *John Fowkes*, and *Bartholomew Gilman*, against the Officers of Our Customs, for detaining their goods, upon refusall to pay the ordinary Duty, accustomed to be paid for the same. And upon these complaints, they send for the Officers of the Customes, enforcing them to attend day after day, by the space of a month together; they cause them to produce their Letters Patents under Our Great Seal, and the Warrants made by Our Privy Council, for levying of those Duties. They examine the Officers upon what questions they please, thereby to entrap them for doing Our service and commandment. In these and other their proceedings, because We would not give the least shew of interruption, We endured long with much patience both these, and sundry other strange and exorbitant incroachments and usurpations, such as were never before attempted in that House.

We are not ignorant, how much that House hath of late years endeavoured to extend their priviledges, by setting up generall Committees for Religion, for Courts of Justice, for Trade, and the like; a course never heard of untill of late: So as, where in former times the Knights and Burgeses were wont to communicate to the House such businesse, as they brought from their Countries; now there are so many Chairs erected, to make enquire upon all sorts of men, where complaints of all sorts are entertained, to the unsufferable disturbance and scandall of Justice and Government, which having been tolerated a while by Our Father, and Our Self, hath daily grown to more and more height; insomuch that young Lawyers sitting there, take upon them to decry the opinions of the Judges; and some have not doubted to maintain, That the Resolutions of that House must bind the Judges, a thing never heard of in Ages past. But, in this last assembly of Parliament, they have taken on them much more then ever before.

They sent messengers to examine Our Attorney Generall, (who is an Officer of trust and secrecy) touching the execution of some commandements of Ours, of which, without Our leave first obtained, he was not to give account to any but Our Self. They sent a captious and directory message to the Lord Treasurer, Chancellor, and Barons of the Exchequer, touching some judiciall proceedings of theirs in Our Court of Exchequer.

They sent messengers to examine upon sundry questions, Our two Chief Justices, and three other of Our Judges, touching their judiciall proceedings at the Gaol-Delivery at *Newgate*, of which, they are not accountable to the House of Commons.

And whereas Suits were commenced in Our Court of Star-Chamber, against *Richard Chambers*, *John Fowkes*, *Bartholomew Gilman*, and *Richard Phillips*, by Our Attorney Generall, for great misdemeanours; they

they resolved, that they were to have priviledge of Parliament against us for their persons, for no other cause, but because they had Petitions depending in that House ; and (which is more strange) they resolved, that a Signification should be made from that House, by a Letter, to issue under the hand of their Speaker, unto the Lord Keeper of Our Great Seal, that no attachments should be granted out against the said *Chambers, Fowks, Gilman, or Phillips*, during their said priviledge of Parliament. Whereas it is far above the power of that House, to give direction to any of Our Courts at *Westminster*, to stop Attachments against any man, though never so strongly priviledged; the breach of Priviledge being not in the Court that grants, but in the Party or Minister that puts in execution such Attachments. And therefore, if any such Letter had come to the Lord Keeper, as it did not, he should have highly offended Us if he had obeyed it. Nay, they went so far, as they spared not the honour of Our Councill-board, but examined their proceedings in the case of Our Customers, interrogating what this or that man of Our Councill said, in direction of them in the businessse committed to their charge. And when one of the Members of that House speaking of our Counsellors, said, We had wicked Counsell; and another said, that the Councill and Judges sought to trample under feet the liberty of the Subject; and a third traduced Our Court of Star-Chamber, for the Sentence given against *Savage*, they passed without check or censure by the House. By which may appear, how far the Members of that House have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of priviledge and freedom of speech, whereby they take liberty to declare against all authority of Councill and Courts at their pleasure.

They sent for Our Sheriff of *London* to examine him in a cause, whereof they had no jurisdiction; their true and antient jurisdiction extending onely to their own Members, and to the conservation of their priviledges, and not to the censure of forrain persons and causes, which have no relation to their priviledges, the same being but a late innovation. And yet upon an enforced strain of a Contempt, for not answering to their satisfaction, they commit him to the Tower of *London*, using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutifull to Us and Our commandements, in the matter concerning Our Customs.

In these innovations (which We will never permit again) they pretended indeed Our service; but their drift was, to break, by this means, through all respects and ligaments of Government, and to erect an universall over-swaying power to themselves, which belongs onely to Us, and not to them.

Lastly, in their proceedings against Our Customers, they went about to censure them as Delinquents, and to punish them, for staying some goods of some factious Merchants, in Our Store-house, for not paying those Duties which themselves had formerly paid, and which the Customers, without interruption, had received of all other Merchants, many years before, and to which they were authoris'd, both by Our great Seal, and by severall directions and commandements from Us and Our Privy Councill.

To give some colour to their proceedings herein, they went about to

to create a new privilege, (which We will never admit) That a Parliament-man hath privilege for his goods against the King; the consequence whereof would be, That he may not be constrained to pay any Duties to the King, during the time of privilege of Parliament. It is true, they would have this case to have been between the Merchants, and Our Farmers of Our Customs, and have severed them from Our interest and commandment, thereby the rather to make them lyable to the censure and punishment of that House. But on the other side, We holding it both unjust and dishonorable, to with-draw Our self from Our Officers, in any thing they did by Our commandment, or to disavow any thing that we had enjoined to be done; upon *Monday* the 23d of *February*, sent a message unto them by Secretary *Cook*, thanking them for the respect they had shewed, in severing the interest of Our Farmers from Our Own interest and commandment. Nevertheless, We were bound in honour to acknowledge a truth, that, what was done by them, was done by our expresse commandment and direction; and if for doing thereof Our Farmers should suffer, it would highly concern Us in honour. Which message was no sooner delivered unto them, but in a tumultuous and discontented manner, they called, *Adjourn, Adjourn*; and thereupon, without any cause given on Our part, in a very unusuall manner, adjourned, untill the *Wednesday* following.

On which day, by the uniform wisdom of Our Privy Council, We caused both Houses to be adjourned until the second day of *March*; hoping that in the mean time, a better and more right understanding might bee begotten between Us, and the Members of that House, whereby the Parliament might come to a happy Issue.

But understanding by good advertisement, that their discontent did not in that time digest, and passe away; We resolved to make a second adjournment, untill the tenth of *March*; which was done, as well to take time to Our Self, to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly, We gave commandment for a second adjournment in both Houses, and for cessation of all businesse till the day appointed; which was very dutifully obeyed in the Higher House, no man contradicting or questioning it. But when the same commandment was delivered in the House of Commons by their Speaker, it was streight-waies contradicted; and although the Speaker declared unto them, it was an absolute right and power in Us to adjourn, as well as to prorogue or dissolve; and declared and readd unto them divers pretexts of that House, to warrant the same; yet Our commandment was most contemptuously disobeyed; and some rising up to speak, said, They had businesse to do before the House should be adjourned.*

Whilst the Duke of *Buckingham* lived, he was intituled to all the distempers and ill events of former Parliaments; and therefore much endeavour was used to demolish him, as the onely wall of separation between Us and Our people. But now he is dead, no alteration was found amongst those envenomed spirits, which troubled then the blessed harmony between Us and Our Subjects, and continue still to trouble it. For now under the pretence of publick care of the Commonwealth, they suggest new and causlesse fears, which in their own hearts they know to be false; and devile new Engines of mischief, so to cast a blindness upon the good affections of Our people, that they

*Here are the passages concerning the Members deportment in the House, mentioned in this Declaration, which we forbear to repeat, in regard the same are at large exprest in the Information in the Star-chamber before mentioned.

may not see the truth, and largeness of Our heart towards them. So that now it is manifest, the Duke was not alone the mark these men shot at, but was onely as a near minister of Ours, taken up, on the By, and in their passage to their more secret designs; which were onely to cast Our Affairs into a desperate condition, to abate the powers of Our Crown, and to bring Our Government into obloquy; that, in the end, all things may be over-whelmed with Anarchy, and Confusion.

We do not impute these dysasters to the whole House of Commons, knowing that there were amongst them many religious, grave, and well-minded men; but the sincerer and better part of the House was over-born, by the practices and clamours of the other, who, careless of their duties, and taking advantage of the times, and Our necessities, have enforced Us to break off this Meeting; which, had it been answered with like duty on their parts, as it was invited and begun with love on Ours, might have proved happy and glorious, both to Us and this whole Nation.

We have thus declared the manifold causes We had, to dissolve this Parliament, whereby all the world may see, how much they have forgotten their former engagements at the entry into the War, themselves being persuaders to it; promising to make Us feared by Our enemies, and esteemed by Our friends. And how they turned the Necessities grown by that War, to enforce us to yield to Conditions incompatible with Monarchy.

And now that Our People may discern, that these provocations of evill men (whose punishments we reserve to a due time) have not changed Our good intentions to Our Subjects, We do here profess to maintain the true Religion and Doctrine, established in the Church of *England*, without admitting or conniving at any back-sliding, either to Popery or Schism. We do also declare, That we will maintain the antient and just rights and liberties of Our Subjects, with so much constancy and justice, that they shall have cause to acknowledge, That under Our government and gracious protection, they live in a more happy and free estate, than any subjects in the Christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousness; nor misinterpret the Petition, by perverting it to a lawless liberty, wantonly or frowardly, under that or any other colour, to resist lawfull and necessary authority. For as We will maintain Our Subjects in their just liberties, so We do and will expect, that they yield as much submission and duty to Our Royall prerogatives, and as ready obedience to Our authority and commandments, as hath been performed to the greatest of Our Predecessors.

And for Our Ministers, We will not that they be terrified by those harsh proceedings, that have been strained against some of them. For, as we will not command any thing unjust or dishonourable, but shall use Our authority and prerogatives for the good of Our People; so we will expect, that Our Ministers obey Us, and they shall assure themselves, We will protect them.

As for Our Merchants, We let them know, We shall alwaies endeavour to cherish and enlarge the Trade of such as be dutifull, without burthening them beyond what is fitting: but the Duty of Five in the Hundred, for guarding of the Seas, and defence of the Realm, to which we hold Our selves still obliged, (and which Duty hath continued without interruption so many succession of Ages) We hold

A no good or dutifull Subject will deny it, being so necessary for the good of the whole Kingdom. And if any factious Merchant vwill affront Us, in a thing so reasonable, and vwherein we require no more, nor in no other manner, than so many of Our Predecessors have done, and have been dutifully obeyed: Let them not deceive themselves, but be assured, that We shall find honourable and just means to support Our Estate, vindicate Our Sovereignty, and preserve the Authority vvhich God hath put into Our Hands.

B And now having laid down the truth and clearnesse of Our proceedings, all wise and discreet men may easily judge of those rumours, and jealous fears, that are maliciously and vvickedly bruited abroad; and may discern, by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equall administration of Justice, freedom from oppression, and the great peace and quietnesse which every man enjoyeth under his own Vine and Fig-tree) the happinesse of this Nation can be parallel'd, by any of Our neighbour-Countries; and if not, then to acknowledge their own blessednesse, and for the same be thankfull to God, the Author of all goodnesse.

*A Proposition for His Majestie's Service, to bridle
the Impertinency of Parliaments. Afterwards
questioned in the Star-Chamber.*

A Proposition
presented to
the King how
to keep in
awe this na-
tion.

First to have a
Fortresse in e-
very confide-
rable Town.

THE Proposition for your Majestie's service containeth two parts :
the one, to secure your State, and to bridle the impertinency of
Parliaments : the other, to increase your Majestie's Revenue, much
more then it is. Touching the first, having considered divers means,
I find none so important, to strengthen your Majesties Regall authori-
ty, against all oppositions and practises of troublesome spirits, and to
bridle them ; than to fortifie your Kingdome, by having a Fortresse in
every chief Town, and important place thereof, furnished with Ord-
nance, Munition, and faithfull Men, as they ought to be, with all other
circumstances fit for to be digested in a businesse of this nature ; order-
ing withall the trained Souldiers of the County to be united in one
dependency with the said Fort, as well to secure their beginning, as to
succour them in any occasion of suspect ; and also to retain and
keep their Armes for more security, whereby the Countries
are no lesse to be brought in subjection than the Cities them-
selves, and consequently the whole Kingdom ; your Majesty having by
this course the power thereof in your own hands. The reasons of the
suggests are these : 1. That in Policy, it is a greater tye of the People
by force and necessity, then meerly by love and affection ; for by the
one, the Government resteth alwaies secure ; but by the other, no lon-
ger then the people are contented. 2. It forceth obstinate subjects to be
no more presumptuous, than it pleaseth your Majesty to permit them.
3. That to leave a State unfurnished, is, to give the Bridle thereof to
the Subject ; when, by the contrary, it resteth onely in the Prince's
hands. 4. That modern Fortresses take long time in winning, with
such charge and difficulty, as no Subjects in these times have means
probable to attempt them. 5. That it is a sure remedy against Rebelli-
ons, and popular Mutinies, or against forraigne powers ; because they
cannot well succeed : when by this course the apparent means is taken
away, to force the King and Subject upon a doubtfull fortune of a set
Battle, as was the cause, that moved the pretended invasion against
the land, attempted by the King of *Spain* in the year 1588. 6. That
your Majestie's government is the more secure, by the people's more
subjection ; and by their subjection, your Parliament must be forced
consequently to alter their style, and to be conformable to your will
and pleasure ; for their words and opposition import nothing, where
the power is in your Majesties own hands, to do with them what you
please ; being indeed the chief purpose of this discourse, and the secret
intent thereof, fit to be concealed from any English at all, either Coun-
sellors of State or other.

For these, and divers other weighty reasons, It may be considered
in this place, to make your Majesty more powerfull and strong, some
orders be observed, that are used in fortified Countries, the govern-
ment whereof imports as much as the States themselves, I mean, in
times of doubt or suspect, which are these. *Imprimis*, That none wear
Arms or Weapons at all, either in City or Country, but such as
your Majesty may think fit to privileged, and they to be inrolled.

2. That

2. That as many high-waies as conveniently may be done, be made passable through those Cities and Townes fortified, to constrain the passengers to travell through them. 3. That the souldiers of Fortresses be sometimes chosen of another Nation, if subject to the same Prince; but howsoever, not to be born in the same Province, or within forty or fifty miles of the Fortresse, and not to have friends or correspondency near it. 4. That at all the Gates of each walled Town be appointed Officers, not to suffer any unknown passengers to passe, without a Ticket, shewing from whence he came, and whither to go. And that the Gates of each City be shut all night, and keyes kept by the Mayor or Governour. 5. Also Inn keepers to deliver the names of all unknown passengers that lodge in their houses; and if they stay suspiciously at any time, to present them to the Governour: whereby dangerous persons seeing these strict courses, will be more wary of their actions, and thereby milchievous attempts will be prevented. All which being referred to your Majestie's wise consideration, it is meet for me withall to give you some satisfaction, of the charge and time to perform what is purposed, that you may not be discouraged in the difficulty of the one, or prolongation of the other; both which doubts are resolved in one and the same reason, in respect that in *England*, each chief Town commonly hath a ruined Castle, well seated for strength, whose foundation and stones remaining, may be both quickly repaired for this use, and with little charge and industry made strong enough, I hope, for this purpose, within the space of one year; by adding withall Bulwarks and Rampiers for the Ordnance, according to the rules of Fortification. The Ordnance for these Forts may be of Iron, not to disfurnish your Majestie's Navy, or be at a greater charge then is needfull.

To maintain yearly the Fort, I make account in ordinary pay, three thousand men will be sufficient, and will require forty thousand pound charge *per Annum*, or thereabouts, being an expence that inferiour Princes undergo, for their necessary safety. All which prevention added to the invincible Sea-force your Majesty hath already, and may have, will make you the most powerfull and obeyed King of the world. Which I could likewise confirm by many examples, but I omit them for brevity, and not to confuse your Majesty with too much matter. Your Majesty may find by the scope of this discourse, the means shewed in generall to bridle your Subjects, that may be either discontent or obstinate. So likewise am I to conclude the same intent particularly, against the perversnesse of your Parliament, as well to suppress that pernicious humour, as to avoid their oppositions against your profit, being the second part to be discoursed on: and therefore have first thought fit, for better prevention thereof, to make known to your Majesty the purpose of a generall Oath your Subjects may take, for sure avoiding of all rubs, that may hinder the conclusion of these businesses. It is further meant, that no subject upon pain of high Treason, may refuse the same Oath, containing onely matter of Allegiance, and not scruples in points of Conscience, that may give pretence not be denied. The effect of the Oath is this, That all your Majestie's Subjects do acknowledge you, to be as absolute a King and Monarch within your Dominions, as is amongst the Christian Princes; and your Prerogative as great: whereby you may and shall of your self, by your Majestie's Proclamation, as well as other Sovereign Princes doing the like,

Secondly, To cause high-waies to be made through such Townes.

Thirdly, To choose the Souldiers of such Fortresses, no Inhabitants of the place.

4. To let none passe through such places without a Ticket.

5. To have the names of all lodgers taken by Inkeepers.

The expence of these Forts.

To impose an oath on the Subjects.

like, either make Lawes, or reverse any made, with any other Act, so great a Monarch as your self may do, and that without further consent of a Parliament, or need to call them at all in such cases; considering, that the Parliament in all matters, excepting causes to be sentenced as the highest Court, ought to be subject unto your Majestie's will, to give the negative or affirmative conclusion, and not to be constrained by their impertinencies to any inconvenience, appertaining to your Majestie's Regall Authority; and this, notwithstanding any bad pretence or custom to the contrary in practise, which indeed were fitter to be offered a Prince elected, without other right, than to your Majesty, born successively King of *England, Scotland, and Ireland*, and your Heirs for ever; and so received, not onely of your Subjects, but also of the whole world. How necessary the dangerous supremacy of Parliament's usurpation is to be prevented, The example of *Lewes* the Eleventh King of *France*, doth manifest, who found the like opposition as your Majesty doth; and by his wisdom suppressed it. And, to the purpose here intended, which is not to put down altogether Parliaments, and their authority, being in many cases very necessary and fit; but to abridge them so far, as they seek to derogate from your Majesties Regall authority, and advancement of your greatnesse. The caution in offering the afore-said Oath, may require some policy, for the easier passage at first, either by singular or particular tractation; and that so near about one time over the Land, as one Government may not know what the other intendeth; so it may passe the easier, by having no time of combination or opposition. There is another means also more certain then this, to bring to passe the Oath more easily, as also your profit, and what else pretended; which here I omit for brevity, requiring a long discourse by it self, and have set it down in particular instructions to inform your Majesty.

2. The second part of this Discourse is, touching your Majestie's Profit, after your State is secured: Wherein I should observe both some reasonable content to the people, as also consider the great expences that Princes have now adaies, more then in times past, to maintain their greatnesse, and safety of their Subjects, who, if they have not wit or will to consider their own interest so much indifferently, your Majestie's wisdom must repair their defects, and force them to it by compulsion; but I hope there shall be no such cause, in points so reasonable, to increase your Majestie's revenue, wherein I set down divers means for your gracious Self to make choice of, either all or part at your pleasure, and to put it in execution by such degrees and cautions, as your great wisdom shall think fit in a businesse of this nature.

Imprimis, The first means or course intended to increase your Majestie's revenues or profit withall, is of greatest consequence, and I call it a *Decimation*, being so tearmed in *Italy*, where in some part it is in use, importing the tenth of all Subjects estates to be paid as a yeerly rent to their Prince; and as well monyed men in Towns, as landed men in the Countries, their value and estates esteemed justly as it is to the true value, though with reason; and this paid yeerly in mony: Which course applyed in *England* for your Majestie's service, may serve instead of Subsidies, Fifteens, and such like, which in this case are fit to be released, for the Subjects benefit and content, in recompence of the said *Decima*, which wil yield your Majesty more in certainly, than they do Casually by five hundred thousand pounds *per annum*

Meanes to increase the King's revenues.

1 To demand a *Decima* of mans estates.

at the least. *Item*, That when your Majesty hath gotten monie into your hands by some courses to be set down, it would be a profitable course to increase your *Entrada*, to buy out all Estates and Leases upon your own Lands, in such sort, as they be made no losers; whereby having your Lands free, and renting it out to the true value, as it is most in use, and not employed as heretofore, at an old Rent, and small Fines, you may then rent it out for at least four or five times more money, then the old Rent comes unto. So as if your Majesties Lands be already but sixty thousand pounds *per Annum*, by this course it will be augmented at the least two hundred thousand pounds *per Annum*; and to buy out the Tenants estates will come to a small matter by the course, to make them no losers, considering the gain they have already made upon the Land: And this is the rather to be done, and the present course changed, because it hath been a custom used meerly to cousten the King. *Item*. Whereas most Princes do receive the benefit of Salt in their own hands, as a matter of great profit, because they receive it at the lowest price possible, and vent it at double gain yearly; the same course used by your Majesty, were worth at least one hundred and fifty thousand pound *per Annum*. It is likewise in other parts, that all Weights and Measures of the land, either in private Houses, Shops, or publick Markets, should be viewed to be just, and sealed once a year, paying to the Prince for it; which in *England*, applied to your Majesty, with order to pay six-pence for the sealing of each said Weight or Measure, would yield near sixty thousand pounds *per Annum*. *Item*, Though all Countries pay a *Gabella* for transportation of Cloth, and so likewise in *England*; yet in *Spain* there is Impost upon the Wools, which in *England* is so great a wealth and benefit to the Sheep-Masters, as they may well pay you five pound *per cent.* of the true value at the shearing, which I conceive may be worth one hundred and forty thousand pounds *per Annum*. *Item*. Whereas the Lawyers Fees and gains in *England* be excessive, to your Subjects prejudice; it were better for your Majesty to make use thereof, and impose on all Causes sentenced with the party, to pay five pound *per cent.* of the true value that the Cause hath gained him; and for recompence thereof, to limit all Lawyers Fees and gettings, whereby the Subject shall save more in Fees and Charges, then he giveth to your Majesty in the *Gabella*, which I believe may be worth, one year with another, fifty thousand pounds. *Item*, Whereas the Innes and Victualling-houses in *England* are more chargeable to the Traveliers, then in other Countries, it were good for your Majesty to limit them to certain Ordinaries, and raise besides a large Imposition, as is used in *Tuskany* and other parts; that is, a prohibiting all Innes and Victualling-houses, but such as shall pay it; and to impose upon the chief Inns and Taverns, to pay ten pounds a year to your Majesty, and the worst five pound *per Annum*; and all Ale-houses twenty shillings *per Annum*, more or lesse, as they are in custom. Of all sorts there are so many in *England*, that this Impost may well yield one hundred thousand pounds *per Annum* to your Majesty. *Item*, In *Tuskany* and other parts, there is a *Gabella* of all Cattle, or Flesh, and Horses sold in Markets, paying three or four *per cent.* of what they are sold for, which by conjecture may be worth in *England* two hundred thousand pounds *per Annum*; using the like Custom upon Fish, and other Victualls, (Bread excepted) and for this cause, Flesh, and Fish, and Victualls in the Markets

2 To buy out all Leases upon the Crown-Lands.

3 To take the Salt into his Majesties own hands.

4 To demand a rate for Sealing the weights every yeare.

5. To demand an Impost for Wools.

6. To put a Tax upon every Lawyers Fee.

7. To put a Tax upon Inns and Victualling-houses for a License.

8. To put a Tax upon all Cattle, Fleth, and Horses sold in the Market.

2000

150

500

1700

5000

10000

20000

9. To put a
Tax upon all
Lands aliena-
ted.

10. To de-
mand a rate
upon all Offi-
ces in his Ma-
jesty's grant.

11. To reduce
his Majesties
Houhold to
Board wages.

12. To de-
mand a rate
for license to
eat *Luscinia*.

13. To take
an imposition
upon the Ca-
tholicks lands

Markets, to be priced and sold by weight, whereby the Subject sa-
veth more in not being coufened, than the Imposition impaireth them.
Item, In *Tuskany* is used a Taxation of seven *per cent.* upon all alic-
nation of Lands to the true value. As also seven *per cent.* upon all
Dowries or Marriage-monies. The like, if it be justly used in *England*,
were worth at least one hundred thousand pound *per Annum*; with
many other Taxations upon Meal, and upon all Merchandises in all
Towns, as well as Port-Towns, which here I omit, with divers others, A
as not so fit for *England*. And in satisfaction of the Subject for these
Taxes, your Majesty may be pleased to release them of Wardships,
and to enjoy all their Estates at eighteen yeers old; and in the mean
time, their profits to be preserved for their own benefit. And also in
forfeitures of Estate by condemnation, your Majesty may release the
Subject, as not to take the forfeiture of their Lands, but their Goods,
High-Treason onely excepted; and to allow the Counsell of Lawyers
in case of life and death; as also nor to be condemned without two B
Witnesses, with such like benefit, which importeth much more their
good, then all the Taxations named can prejudice them. *Item*, Some
of the former Taxations, used in *Ireland* and in *Scotland*, as may easily be
brought about by the first example thereof used in *England*, may very
well be made to increase your Revenue there, more then it is, by two
hundred thousand pound *per Annum*. *Item*, All Offices in the Land,
great and small, in your Majestie's grant, may be granted, with con-
dition, to pay you a part yearly, according to the value: This in time C
may be worth (as I conceive) one hundred thousand pound *per*
Annum: adding also Notaries, Attorneys, and such like, to pay
some proportion yearly towards it, for being allowed by your Ma-
jesty to practise, and prohibiting else any to practise in such places.
Item, To reduce your Majesties household to Board-wages, as most
other Princes do, reserving some few Tables; this will save your
Majesty sixty thousand pounds *per Annum*, and ease greatly the
Subject besides, both in Carriages and Provision, which is a good D
reason, that your Majesty in honour might do it. *Item*, I know an
assured course in your Majestie's Navy, which may save at least
forty thousand pounds *per Annum*, which requiring a whole Dis-
course by it self, I omit; onely promise you to do it, whensoever
you command. *Item*, Whereas your Majesties Lawes do command
the strict keeping of Fasting-daies, you may also prohibit on those daies
to eat Eggs, Cheefe, and White-meats, but onely such as are con-
tented to pay eighteen pence a yeer for the liberty to eat them, E
and the better sort ten shillings. The employment of this may be
for the defence of the Land, in maintaining the Navy, Garrisons,
and such like, much after the fashion of a *Crusado* in *Spain*, as your Ma-
jesty knoweth, being first begun there, under the pretence to de-
fend the Land against the Moors. And the same used in *England*,
as aforesaid, may very well yield, one yeer with another, one
hundred thousand pounds, without any disgust to any, because
it is at every ones choice to give it or no. Lastly, I have a course F
upon the Catholicks, and very safe for your Majesty, being with
their good liking, as it may be wrought, to yield you presently at
least two hundred thousand pound *per Annum*, by raising a cer-
tain value upon their Lands, and some other impositions; which
requiring a long Discourse by it self, I will omit it here, setting
it

it down in my Instructions; it will save your Majesty at least One hundred thousand pounds *per Annum*, to make it pain of death, and confiscation of goods and lands, for any of the Officers to counsel You, which now is much to be feared they do, or else they could not be so rich; and herein to allow a fourth part benefit to them that shall find out the counsellage. Here is not meant Officers of State, as the Lord Treasurer, &c. being Officers of the Crown. The summe of all this account amounteth unto two Millions, or Twenty hundred thousand pounds *per Annum*: Suppose it be but one Million and a Half, as assuredly your Majesty may make by these courses set down, yet it is much more then I promised in my Letter for your Majesties service. Besides, some sums of money in present, by the courses following: *Imprimis*, By the Prince's Marriage, to make all the Earls in *England* Grandees of *Spain*, and *Principi*, with such like priviledges, and to pay twenty thousand pounds apiece for it. 2. As also, if you make them Feoditaries of the Towns belonging to their Earldoms, if they will pay for it besides, as they do to the King of *Spain* in the Kingdom of *Naples*. And so likewise Barons to be made Earls and Peers, to pay nineteen thousand pounds a piece, I think might yield five hundred thousand pounds, and oblige them more sure to his Majesty. 3. To make choice of two hundred of the richest men of *England* in estate, that be not Noble-men, and make them Titulate, as is used in *Naples*, and paying for it; that is, a Duke thirty thousand pounds, a Marquis fifteen thousand pounds, an Earle ten thousand pounds, and a Baron or Viscount five thousand pounds. It is to be understood, that the ancient Nobility of Barons made Earls, are to precede these as Peers, though these be made Marquesses or Dukes; this may raise a Million of pounds and more unto your Majesty. To make Gentlemen of low quality, and Francklines, and rich Farmers, Esquires, to precede them, would yield your Majesty also a great sum of money in present. I know another course to yield your Majesty at least three hundred thousand pounds in money, which as yet the time serveth not to discover, untill your Majesty be resolved to proceed in some of the former courses, which till then I omit. Other courses also that may make present money I shall study for your Majestie's service, and, as I find them out, acquaint you withall. Lastly, to conclude all these discourses, by the application of this course used for your profit, That it is not onely the means to make you the richest King that ever *England* had, but also the safety augmented thereby to be most secure, besides what shewed in the first part of this Discourse; I mean, by the occasion of this Taxation, and raising of monies, your Majesty shall have cause and means to imploy in all places of the Land so many Officers and Ministers, to be obliged to you for their own good and interest, as nothing can be attempted against your Person or Royall State over land, but some of them shall in all probability have means to find it out, and hinder it. Besides, this course will detect many disorders and abuses in the publick Government, which were hard to be discovered by men indifferent. To prohibite gorgeous and costly apparell to be worn, but by persons of good quality, shall save the Gentry of the Kingdom much more money, then they shall be taxed to pay unto your Majesty. Thus withall I take my leave, and kiss your gracious hands, desiring pardon for my error I may commit herein.

At the Prince his marriage to make Earls in *Principi*, &c to pay for it.

And Barons to be made Earls.

To make 200 rich men Titulate, and they to pay for the Titles.

To make Gentlemen of low quality, and rich Farmers, Esquires.

Pasc. 5. Caroli Regis. B. R.

The Reports of the following Arguments were taken
by Mr. *Widdrington* of *Gray's-Inn*.

Mr. *Stroud*
Esq; brought
to the Kings-
Bench-Bar,
upon a *Habeas*
Corpus.

UPon the *Habeas Corpus* out of this Court, to bring here the body
of one William Stroud Esq; with the cause of his imprisonment,
to the Marshall of the Kings Bench, it was returned in this manner:
That William Stroud Esq; was committed under my custody, by
vertue of a certain Warrant under the hands of twelve Lords of the
Privy Council of the Lord the King; the tenour of which Warrant
followeth in these words.

You are to take knowledge, that it is his Majesties expresse pleasure and commandment, that you take into your custody the body of William Stroud Esq; and keep him close prisoner, untill you shall receive other order, either from his Majesty, or this Board; for so doing this shall be your Warrant. Dated the 2d of April, 1629. And the direction thereof was, To the Marshall of the King's Bench, or his Deputy. He is likewise held in prison by vertue of a certain Warrant, under the hand of the King himself, the tenour of which Warrant followeth in these words. *Carolus Rex.* Whereas you have in your custody the body of William Stroud Esq; committed by the Lords of Our Privy Council, by Our speciall command, you are to take notice, that his commitment was for notable contempts by him committed against Our Self, and Our Government, and for stirring up of Sedition against Us: for which you are to detain him in your custody, and keep him close prisoner, untill Our pleasure be further known concerning his deliverance. Given at Greenwich the 7th of May, 1629. in the 5th year of Our Reigne. And the direction was, To Our Marshall for Our Bench for the time being. And these are the causes of the taking and detaining of the foresaid William Stroud, &c.

Also *Walter*
Long Esq;.

And upon another *Habeas Corpus* to the Marshall of the Household, to have the body of *Walter Long* Esq; he made the same Return as aforesaid.

Ask of the Inner Temple, of Counsell with Mr. Stroud, moved, That the Return was insufficient. The Return consists upon two Warrants, bearing severall Dates, which are the causes of the taking and detaining of the Prisoner. For the first Warrant, which is of the Lords of the Council, that is insufficient; because no cause is shewn of his commitment, which is expressly against the resolution of the Parliament, and their Petition of Right in the time of this King which now is, to which he had likewise given his assent; so his taking by vertue of the said Warrant, is wrongfull. And for the second Warrant, it is insufficient also; and that notwithstanding that it be the Kings own; for, the King himself cannot imprison any man, as our Books are, to wit, 16 H. 6. F. Monstrance de faits. 1 H. 7. 4. Hussy reports it to be the opinion of Markham, in the time of Edw. 4. and Foretunc in his Book, de laudibus Legum Angliae, cap. 18. And the reason given is, because no action of false imprisonment lies against the King if the Imprisonment be wrongfull; and the King cannot be a wrong doer. The Statute of Magna Charta is; That no free-man be impriso-

imprisoned, but by the Law of the Land. And it appears by these Books, that it is against the Law of the Land that the King should imprison any one.

2. Admit that this be onely a signification and notification given by the King himself of the commitment of the prisoner; yet it seems, that that signification is of no force, 1. Because the words are general & uncertain, — for notable contempts — There are in the Law many contempts of

A severall natures; there are contempts against the Common law, against the Statute-law; contempts in words, gestures, or actions. And it appears not to the Court of what nature these contempts were. — Notable — Every contempt which is made to the King is notable.

— Against Our Government — Contempt which is committed in a Court of Record or Chancery, is a contempt against the Government of the King, to wit, because they disobey the King when he commands them by his Writs, C. 8. 60. a. Beechers case. The last words of the Return are, — For stirring up of sedition against Us — which words

B likewise are indefinite and generall. I find not the word [Sedition] in our Books, but taken adjectively, as, seditious books, seditious newes, &c. in the Statute of 11. and 2d. of Phil. and Mary, cap. 3. the words are, If any person shall be convicted, &c. for speaking, &c. any false, seditious, or slanderous newes, saying of the rayles of the Queen, &c. he shall lose his ears, or pay 100 l. There the penalty imposed up-

C on such Sedition is but a fine, C. 4. Lord Cromwell's case 13. where Sedition is defined to be *seorsum ius*, when a man takes a course of his own. And there it is said, that the words, — maintain sedition against the Queen's proceedings — shall be expounded according to the coherence of all the words, and the intent of the parties. So that it is plain, that there is a sedition that is onely finable, and which is no cause of imprisonment without bail: And what the sedition is that is here intended, cannot be gathered out of the words, they are so generall. — against Us — those words are redundant, for every sedition is against the King.

Upon the generality and incertainty of all the words in the Return, he put these cases, 18. E. 3. A man was indicted, *quia furatus est equum*, and doth not say Felonic, and therefore ill, 29. ass. 45. A man was indicted that he was *communis latro*, and the indictment held vitious, because too generall. So here, the offences are returned generally. But there ought to be something individuall, C. 5. 57. Specor's case, *quia*

E *schismaticus inveteratus*, is no good cause for the Bishop to refuse a Clerk, for it is too generall, and there are schisms of divers kinds, 38.

E. 3. 2. Because the Clerk is *criminosus*, it is no good cause for the Bishop to refuse him, 8 and 9 Eliz. Dy. 254. The Bishop of N. refused one, because he was a haunter of Taverns, &c. for which, and divers other crimes, he was unfit, held that the last words are too generall and uncertain, 40 E. 3. 6. In the tender of a marriage, and refusal of the heir, he ought to alledge a certain cause of refusal. Whereup-

F on issue may be taken, C. 8. 68. Trollop's case, to say, That the Plaintiff is excommunicated for divers contumacies, shall not disable him, without shewing some cause in speciall of the excommunication, upon which the Court may judge whether it were just or no. So here. And he concluded with a case that was resolved, Hill. 32 E. 17. Peak and Paul the Defendants said of the Plaintiff, Thou art a mutinous and

seditious

seditionous man, and maintains sedition against the Queen ; and the words adjudged not actionable.

Mr. Mason of
Lincolns-Inn,
his Argument
for Mr. Long.

Mason of Lincolns-Inne, of Counsell with Mr. Long, moved also, that the Return was insufficient. For the first Warrant, that he was committed by command of the King, signified by the Privy Council, I will not argue that, because it was claimed as an ancient right pertaining to the Subject, in the Petition of Right, whereunto the King himself hath given his consent. For the second Warrant, the Return is, — for stirring up sedition against Us and Our Government. Sedition is not any determined offence within our Law; our Law gives definitions or descriptions of other offences, to wit, of Treason, Murder, Felony, &c. but there is no crime in our Law called Sedition. It is defined by a Civilian to be *Seditio*, or *Secellio*, cum pars republicæ contra partem insurgit; so that sedition is nothing but division. Bracton and Glanvill have the word [*Seditio*] generally. Before the Statute of 25 E. 3. chap. 2. it was not clear enough what thing was Treason, what not; by which Statute it is declared what shall be said Treason, and that the Judges shall not declare any thing to be Treason, that is not contained within the said Statute, but it shall be declared onely by Parliament. And that Statute speaks not of Sedition, nor the Statute of 1 H. 4. chap. 10. which makes some things Treason, which are not contained within the said Statute of 25 E. 3. The Statute of 1 E. 6. chap. 12. takes away all intervenient Statutes, which declared new Treasons; and the said Act declares other things to be Treason, but mentions not Sedition. Sedition is the quality of an offence, and is oftentimes taken Adverbially or Adjectively. To raise tumults or trespasses is sedition, Trin. 2. E. 3. rot. 23. B. R. Garbart's case, A man was indicted, because in the high street he took I. S. there, being in hostile manner, and usurped over him royall power, which is manifest sedition; and there it was but an indictment of trespassse, Mich. 20. E. 1. rot. 27. One that was surbeyor of the Wood-work for the King, was indicted for stealing of timber, and detaining wages, (ridding Carpenters wages) by one that was but a boy; and this is there termed Sedition, and yet it was but a petty felony, Mich. 42. E. 3. rot. 65. B. R. R. Pope was appealed by the wife of I. . because he feloniously and seditiously murdered I. S. and [seditiously] was there put in, because it was done privily. By which cases it appears, that sedition is not taken as a Substantive, so that it may be applyed to treason, trespassse, or other offences. By the Statute of 2 H. 4. chap. 15. there is punishment inflicted for the raising of seditious doctrine and yet no punishment could have been inflicted for it untill the said Statute: 4 yet it was seditious, as well before the said Statute as after. And this appears also by the Statute of 1 and 2 of Phil. and Mar. chap. 3. which hath been cited. The Statute 13 Eliz. chap. 2. recites, that divers seditious and evil disposed persons, &c. obtained Bulls of reconciliation from the Pope, which offence was made treason by the said Statute. (for it was not before, and yet there was sedition) and by the said Statute, the aiders and abettors are but in the case of Premunire. By the Statute of 13. Eliz. chap. 1. for the avoiding of contentious and seditious Titles to the Crown, it is enacted by the said Statute, That he that shall declare the Successor of the

the King, shall forfeit the moiety of his goods, &c. so that the said offence, although it be seditious, is not treason by the Common Law, nor is made treason by the Statute of 25. E. 3. nor by the Statute of 13 Eliz. By the Statute of 23 Eliz. chap. 2. he that speaks seditious or slanderous news of the Queen, shall lose his ears, or pay 200 l. and the second offence is made felony. The Statute of 35 Eliz. chap. 1. is against seditious Sectaries, which absent themselves from the Church; they are to be punished 10 l. by the month. Out of all which Statutes it may be collected, that the word [Sedition] is taken variously, according to the subject in hand. And C. 4. Lord Cromwell's case [Seditious] is referred to doctrine. There are offences more high in their nature than sedition, which were not treason, unless so declared by act of Parliament. Every rebellious act is sedition, yet if such Acts be not within the Statute of 25 Ed. 3. they are not treason. 17 R. 2. chap. 8. Insurrection of villains and others is not made treason, which proves, that before this Act it was not treason. And this Act of 17 R. 2. is repealed by the Statute of 1 H. 4. By the Statute of 3 and 4 E. 6. chap. 5. to assemble people to alter the Lawes, is made treason, if they continue together an houre after Proclamation made. This assembly of people was sedition at the Common Law; and the very assembly, if they after dissolve upon Proclamation made, is not treason by the said Statute. By the Statute of 14 Eliz. chap. 1. it is made felony maliciously and rebelliously to hold from the Queen any Castles, &c. but because this relates not to the Statute of 25 E. 3. it is not treason. 2 It seems clearly, that this Case is within the Petition of Right, in which Magna Charta, and the Statutes of 25, and 28 E. 3. are recited. The grievance there was, That divers have been imprisoned without any cause shewed, to which they might make answer according to the Law. And upon this Return, nothing appears to be objected to which he might answer. It appears not what that Act, which is called Sedition, was. This is the very grief intended to be remedied by this Statute: To this he cannot answer according to Law. It appears not whether this were a seditious act, trespass, or slander, or what it was at all. The words are, — Sedition against the King — This helps not, for every offence is against the King, against his Crown and dignity: that which disturbs the Commonwealth is against the King, seditious doctrine is sedition against the King, as is before said. In 28 H. 6. vide Postlat. fol. 19. the Lords and Commons desire the King, that William de la Pool may be committed for divers treasons, and sundry other heinous crimes; and the Petition held not good, because too generall: Whereupon they exhibit particular Articles against him. And therefore upon the whole matter he concluded and prayed, that Mr. Long might be discharged from his imprisonment.

On another day, Barckley and Davenport, the Kings Sergeants, argued for the King, That this Return was sufficient in Law to detain them in prison. Barckley began, and said, That the case is new, and of great weight and consequence, and yet under favour, the prerogative of the King, and the liberty of the Subject, are not mainly touched therein: for the case is not so generall as it hath been made, but particular upon this particular Return. The liberty of the Subject is

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a tender point, the right whereof is great, just, and inviolable. The prerogative of the King is an high point, to which every subject ought to submit. I intend not to make any discourse of the one or the other, I will onely remember what the King hath determined upon them both, in his speech which he made upon the Petition of right, to wit, That the People's liberties strengthen the Kings prerogative, and that the Kings prerogative is to defend the People's liberties. This may settle the hearts of the people concerning their liberty. The way which I intend to treat in my Argument, is, to answer to the objections and reasons which have been made, and to give some reasons, whereby this Return shall be sufficient.

The objections which have been made are reducible to four heads.

1. By what the prisoner here shall be said to be committed and detained.

2. That this Commitment is against the Petition of right.

3. That the Cause which is here returned, is generall and uncertain.

4. That the offences mentioned in the Return are but finable, and therefore notwithstanding them the party is bailable.

For the first, it hath been objected, that the commitment here was by the Lords of the Privy Councill, and the signification of this cause is by the King himself. But I say, that there is a further matter in the Return; for the Lords of the Councill do it by the command of the King, and they onely pursue this command. I will not dispute whether the Lords of the Councill have power to commit an offender or no, it is common in experience, 33 H. 6. 28. Poigne. case is expresse in it. And in the Petition of right it is admitted, that they may commit. And this is not alledged there for a grievance, but the grievance there, was, because the particular charge of commitment was not shewed. Some Books have been objected to prove, that the King, though in person, cannot commit any person, 161. 6. F. Mercurius de factis 182. But the authority of that Book vanisheth, if the case be put at large, which was in trespassse for cutting of Trees. The Defendant said, That the place where, &c. is parcell of the Manor of D. whereof the King is seised in fee, and the King commaunders us to cut. And the opinion of the Court was, that this is no plea, without shewing a specialty of the command of the King. And there the whole Court saies, That if the King command me to arrest a man, whereby I arrest him, he shall have trespassse or imprisonment against me, although it be done in the presence of the King. That the following words are to be understood, as the principal case was of one command of the King by word, and then such command by word to arrest a man is void. And 1 H. 7. 4. was objected, Hussey saies, that Markham said to King Edw. 4. that he cannot arrest a man for suspicion of Treason or Felony, because if he do wrong, the party cannot have his action. To this I say, That the Book there is to be understood of a wrongfull arrest, for there is spoken of an action of false imprisonment; and a wrongfull arrest cannot be made by the King.

2. It stands not with the dignity of the King to arrest any man; C. 4. 71. The King makes a Lease for years, rendering rent, with condition of re-entry for non-payment; he shall take advantage of the condition without any demand; and the reason there given, is, that a decorum and conveniency might be observed. So it is not befitting for the King

in person to arrest any man, but the King may command another to do it. Bracton lib. 2. de acquirendo rerum Dominio, fol. 55. saies, That the Crown of the King is to do justice and judgment, and facere pacem, without which, the Crown it self cannot sublist. Severall constructions are to be made upon those severall words, — and the last words — facere pacem — imply, that the King hath a coercive power. Britton f. 1. amongst the Errata. The King said in person,

A Because we are not sufficient in person to do every thing, we divide the charge into many parts. We are the peoples Justice, and a Justice implies one that hath power to do justice in every kind, to wit, by imprisonment, or otherwise. 20 H. 7. 7. C. 11. 85. it is said, That the King is the chief Justice. And Lambert in his Justice of Peace, fol. 3. saies, That in ancient Histories, the chief Justice of England is called, Capitalis Justicia & Prima Justicia, after the King, in England. So that the King hath the same power of Justice, as the Chief Justice had.

B This imprisonment here, which is before conviction for any offence, is not used towards the Subject as imprisonment for any fault, but is rather an arrest or restraint to avoid further inconveniencies, 14 H. 7. 8. A Justice of Peace may arrest men riotously assembled, for prevention of further mischief. And the Book also saies, That he may leave his servants there to arrest men, for safeguard of the peace. It is a case well known, that if a house be set on fire, every man may pull down the next house, for prevention of greater mischief; so it seems concerning the Incendiaries of the State, they ought to be restrained and suppress, lest others should be stirred up by them to the same combustion. 22 ass. 56. and 22 E. 4. 45. in false imprisonment the Defendant justifies, because the Plaintiff was mad and out of his wits, and that he had done some harm, and that he had bound and beat him to avoid further harm, which might have happened by his madness: And the justification was held good. So it is in matter of Government, to avoid commotions, the King ought to use his coercive power against those that are enraged.

D The objection was, that this course was against the Petition of Right. But I answer, That this case is out of the words of that Petition; the words of the Petition were, — Whereas by the Statute called, The great Charter, and by the Statute of 28 E. 3. no free man may be taken or imprisoned — yet against the tenour of the said Statute, &c. divers of your Subjects have of late been imprisoned, without any cause shewed; and when for their deliverance, &c. they were brought before the Justices by Writs of Habeas corpus, there to undergo and receive as the Court should order, and their keepers commanded to certify the cause of their detainer, and no cause was certified, but that they were detained by your Majesties speciall command, signified by the Lords of your Council; and yet were returned back to severall prisons, without being charged with any thing to which they might make answer according to Law. These last words are observable,

E — Without being charged with any thing, to which they might make answer — These words do not refer to the Return of the Habeas Corpus, for the cause returned therein cannot be traversed, 9 H. 6. 54. but the Court took it as true. But the setting forth of the cause, and the answer to the same cause, is to be upon other proceedings, to wit, upon the indictment for the offence, or otherwise. And there is great difference between the return of a Writ to which a man may answer

swer, and the return of an Habeas corpus. 10 E. 4. & 3 H. 7. 11. are, that if the Sheriff return Relcous, all certainties of every circumstance ought to be shewed, because it is fitting, that a thing certain be brought into judgment. And upon shewing of the grievance, as abowe, the Petition is, that no free-man, in any such manner as before is mentioned, be imprisoned or detained, (such) and it hath relation to such imprisonment, which is mentioned in the premises. And imprisonment mentioned in the premises of the Petition is, where no cause at all was mentioned; then where any cause is shewed, is out of the Petition; and that [such] is the word relative, appears by C. 11, 62. where many cases are put to the same purpose; which see.

The third objection was, That the Return was generall and uncertain. The Counsell on the other side had divided the words of the Return, but that is to offer violence thereunto; for an exposition shall not be made by fractions, but upon the whole matter. For the first words, — notable contempts — It hath been said, that the addition of the word [notable] is but to make a flourish: But I say, That [notable] is not the emphasis of the Return, but it onely expresseth the nature of the offence; and yet [notable] is a word observable by it self in the Law, and implies, that the thing is known and noted. By 27 E. 1. Sheriffs shall be punished, that let notorious offenders to bayl; and by the Statute of 4 H. 4. chap. 3. a notorious or common thief shall not make his purgation: and 26 E. 3. 71. in a trespassse for fall imprisonment, the Defendant said, That the Plaintiff came into the Town of Huntington, and because he was seen in the company of R. de Thorby, who was a notorious thief, he, as Bailiff of Huntington, took him upon suspicion. I confesse, that — for contempts — is generall, yea it is genus generalissimum, and within the Petition of Right; but the words are, — against Our self — It hath been said, That this might be by irreverent words or gestures. — and Our Government — It hath been said, that this might be by contempt to the Kings Writ, or by Retraxit, as Beechers case is. To this I answer, That those words which are spoken to one purpose, ought not to be wrested to another; and this is against the common meaning of the words, C. 4. Thou art a murderer, the Defendant shall not afterwards explain it to be a murderer of Hares, for the highest murder is intended. So here, the highest Government is intended.

4. It hath been objected, that — for stirring up of sedition against Us — may perhaps be but an offence finable: But those words joyned with the former words, shew this to be an offence of the highest nature; sedition is a speciall contempt. And although sedition in it self may be but a generall offence, yet here it is — Sedition against Us and Our Government —, which makes it particular. It hath been confessed by one that argued on the other side, that there is a generall in a particular, C. 4. Hollands case, there is the most generall, and there is generall in particular, as the State Ecclesiasticall. 3ly. There is more particular, as Colledges, Deans and Chapters. This being in a case of Return upon Habeas Corpus, no precise certainty is required. In an Indictment, a certainty of all circumstances is requisite; in Pleading, a certainty is required; in Courts, a more precise certainty; in Barts, a certainty to a common intent is enough. There is not such precise certainty

tainty required here as in Indictment or Count, because the party ought to answer unto them; nor so much certainty is required in this as in a Bar. And the Return is not uncertain; for, as it is said in *Plowden*, 202. and 193. a thing is uncertain, where it may be taken indifferently, one way or the other. But where the intendment the one way exceeds the intendment the other way, it is not uncertain, as it is here. The words are, — for notable contempts against Us and Our Government, & for stirring up of sedition against Us — Here is certainty of intendment one way. There are many Writs which are more uncertain than this Return here is, & yet good. The Writ concerning the taking of an Apostate is general, *Quod ipse in habitu Ordinis*; and yet there are more sorts of Apostasies. In the Writ concerning the amobing of a Leper, the words are general, and yet it appears by *F. N. B.* that there are two kinds of Lepers, one outward, and the other inward; and for the latter the Writ concerning amobing a Leper. So the Writs concerning the burning of an Heretick, and concerning the examining of an Idiot, are general; and yet there are sundry kinds of Hereticks and Idiots also. But it hath been objected, that [sedition] is not a Law-learn nor known in the Law, of which the Judges can take no notice; but the words to expresse offences of this nature are, Murder, Treason, Felony, &c. and that no Indictment of Sedition generally was ever seen. To this I answer, Perhaps it is true, that no Indictment was ever seen made, because the form of an Indictment is precise, words of art are required therein, as appears in *Dyer* 69. 261. C. 4. *Vaux* case; yet in *E. 6. Dyer* 69. it is said, that *Furatus* implies *Felonicè cepit*, although the contrary hath been objected. In a Return, words by Periphrasis are sufficient. The Warrant of a Justice of Peace to apprehend I. s. because of prepenesed malice, *interfecit I. D.* is good enough, although there wants the word *murdravit*. In *5 R. 2. F. tryal* 54. *Beiknap* saies, That a miscreant shall forfeit his land. Out of which it may be gathered, that a man may be Indicted for miscreancy. And it seems likewise, that an Indictment of sedition may be good, for in some cases it is Treason I agree, *Peaks* case, which hath been objected, that for these words, [seditious fellow] no action lies; and so is *C. 4. 19. b.* because those words do not import an act to be done, but onely an inclination to do it, but if a man say such words of another, which import that he hath made sedition, they are actionable, as it was resolved in *Phillips & Badby's* case, 24 *Eliz. C. 4. 19. a.*

Thou hast made a seditious Sermon, and moved the people to sedition this day, adjudged actionable. So in the *Lord Cromwells*, *C. 4. 12, 13.* the action would have lain for those words, You like of those that maintain sedition against the Queens proceedings, if there had not been another matter in the case. I agree, the case of 21 *E. 3.* *Sir John Garboyls* case, & 42 *E. 3.* for in those cases, sedition was only taken adiectively, and shewes an inclination onely to do a seditious act, & in such sense sedition may be applyed to other offences then treason. In 31 *E. 1. f. gard.* 157.

Gardein in *Socage* made feofment of land which he had in Ward. This is forfeiture, saies the Book, for the treason which he did to the Ward; so there, one thing is called treason, which is onely a breach of trust. In an appeal of Mayhem, it is felonice, and yet 6 *H. 7. 1.* it is not felony; But felony is there onely put to expresse the baimousnesse

of the offence, it is, as it were, a felony. The Statutes of 2 H. 4. 1 Mar. 13 Eliz. 35 Eliz. 17 R. 2. 3. & 4 E. 6. 14 Eliz. which have been objected, have the word [Sedition] but not applicable to this case. Bracton in his Book, de Corona, saies, Si quis, &c. If any by rash attempt, plotting the Kings death, should act, or cause any to act, to the sedition of the Lord the King, or of his Army, it is treason. And Glanvil, in as many words, saies, What to do any thing in sedition of the Kingdom, or of the Army, is high-treason. And Britton, fol. 16; It is high treason to disherit the King of the Realm, and sedition tenderth to the disheritance of the King; for, as it hath been said, Seditio est quasi seorsum-itio, when the people are severed from the King: or it is, Seperans a ditione, when the people are severed from the power of the King. And in this sense, Sedition is no stranger in our Law; and such sedition which severs the people from the King is Treason.

But it hath been objected, that by the Statute of 25 E. 3. the Parliament ought onely to determine what is treason, what not. To this I answer, That upon the said Statute, the positive Law had alwaies made explication, and exposition, Br. treason 24. the words are, Compassse or imagine the death of the King; and there it is taken, that he that maliciously deviseth how the King may come to death, by words, or otherwise, and does an act to explain it, as, in assaying harnessse, this is treason, 13 Eliz. Dy. 298. Doctor Story's case, he being beyond-sea, practised with a forraign Prince to invade the Realm, and held treason, because invasion is to the perill of the Prince, and so within the Statute of 25 E. 3 4 Mar. Dy. 144. The taking of the Castle of Scarborough, was treason in Stafford, by 30. ass. p. 19. which was presently after the making of the Statute of 25 E. 3. A man ought to have been hanged and drawn, that brought Letters of Excommungement from the Pope, and published them in England: And it is to be noted, that at the same time, there was no Statute to make it treason, but upon construction of the said Statute of 25 E. 3 though now it be made treason by the Statute of 13 Eliz. if it be with intention to advance forraigne power. Perhaps the sedition mentioned in this Return is high treason, and yet the King may make it an offence finable, for he may prosecute the offender in what course he pleaseth; and if it be treason, then the prisoners are not baylable, by the Statute of Westm. But, suppose that it is but a finable offence, yet by the said Statute, those which are imprisoned for open and notorious naughtinesse shall not be bayled, the same naughtinesse is there intended high and exorbitant offence?

2. It is fit to restrain the prisoners of their liberty, that the Common-wealth be not damnified. It is lawfull to pull down a house, to prevent the spreading mischief of fire; it is lawfull to restrain a furious man. And by the 14 H. 7. a Justice of peace may restrain one rout. Then the restraint of dangerous men to the Common-wealth is justifiable and necessary, 24 E. 3. 33. p. 25. Sir Thomas Figet went armed in the Palace, which was shewed to the Kings Councill; wherefore he was taken and disarmed before the chief Justice, sharrd and committed to the prison, and he could not be bayled till the King sent his pleasure; and yet it was shewed, that the Lord of T. threatned him. Out of which case I obserbe two things: First, that the Judge of this Court did cause a man to be apprehended, upon complaint made to the Coun-

Council, that is, to the Lords of the Privy Council. 2. That although he did nothing, he is not mayn-pernable untill the King sent his pleasure, because he was armed and furiously disposed. So here. Wherefore I pray, that the Prisoners may be sent back again.

Davenport argued to the same intent and purpose, and therefore I will report his Argument briefly.

Serjeant Davenport's Argument against Stroud and Long

A 1. He said, That the Return here is sufficient. The Counsell on the other side have made fractions of this Return, and divided it into severall parts, whereas the genuine construction ought to have been made upon the entire Return; for no violence ought to be offered to the Text. 7 E. 4. 20. In false imprisonment, the Defendant did justifie, and alledged severall reasons of his justification; to wit, because a man was killed, and that this was in the County of S. and that the common voice and fame was, that the Plaintiff was culpable. And this was held a good plea, although Bryan did there object, That the plea was double or treble; and the reason was, because twenty causes of suspicion make but one entire cause; and indivisible unity in this ought not to be divided. So C. 8. 66. Crogates. In an action of trespassse, the Defendant justifies for severall causes, and held good, because upon the matter, all of them make but one cause. C. 8. 117. It is said, That it is an unjust thing, unlesse the whole Law be looked into, to judge and answer, by propounding any one particular thereof; and if it be unjust in the exposition of a Law, it is uncivill in a Return to make fractions of it, in the construction thereof especially, it being a Return for Information, and not for Accusation.

C 2. Although the Counsell on the other side have taken this case to be within the Petition of Right, yet this is *Petitio principii*, to take that for granted which is the question in debate. He said. That he would not offer violence to the Petition of Right, to which the King had assented, and which shall really be performed. But the question here is, Whether this Return be within it? and the Judges are keepers, not masters of this pledge; and it seems, that this Return is out of the letter and meaning of the said Statute.

D 3. He said, That this was the actuall commitment of the Lords of the Privy Council, and the habituall or victuall commitment of the King. But because upon these two matters he put no case, nor gave any reason, but what had been put or given in the Argument of the grand Habeas corpus, Mich. 3 Caroli. and afterwards in the House of Commons, which was reported to the Lords in the painted Chamber, (all which Arguments I heard) I have here omitted them. And for the great respect which the Law gives to the commands of the King, he put these cases, 7 H. 3. Attachment of waste against the Tenant in Dower, and the waste was assigned in the taking of fish out of a pond, and the carrying them away. The Defendant pleaded, That her second husband, by the command of the Lord the King, took all the fish out of the said pond to the use of the Lord the King, and held a good justification; which proves, that the command of the King there to her husband excused her of the said waste. And yet it is clear, that Tenant in Dower is liable to an action of waste, for waste done in the time of her second husband: But contrary is it, where a woman is Tenant for life, and took a husband, who made waste and

died, no action lies against the wife for that waste. And F. N. B. 17. A. If the Tenant in precipe at the grand cape makes default, the King may send a writ to the Justices, rehearsing that he was in his service, &c. Commanding them that that default be not prejudicial to him, and this command of the King excuseth his default, be the cause true or no.

4. For the particulars of the Return, it is — for notable contempts against the Government — But as to that it hath been said, that the King hath sundry governments, to wit, Ecclesiasticall, Politicall, &c. and it is not shewn, against which of them. This is but a cavilling exception; they might as well have excepted to this Return, because it is not shewn, that these contempts were after the last general Pardon; that had been a better exception. The last words of the Return are, — railing sedition against Us — But as to this it hath been said, That Seditio is not a word known in the Law, and is alwaies taken either Adverbially or Adjectively, and is not a Substantive. To this he said, That although it is not a Substantive for the preservation, yet it is a Substantive for the destruction of a Kingdom. And he said, that he found the word [Seditio] in the Law, and the consequent of it likewise, which is, seductio populi. But it is not ever found to be taken in a good sense; it is alwaies ranked and coupled with treason, rebellion, insurrection, or such like, as it appears by all those Statutes which have been remembred on the other side. Therefore he prayed likewise, that the Prisoners might be sent back.

Trin. 5 Car. B. R.

Mr. *Entickin*.
Argument for
Mr. *Selden*.

The first day of the Term, upon Habeas Corpus to Sir Allen Apley the Lieutenant of the Tower, to bring here the body of John Selden Esq; with the cause of detention. He returned the same cause as above; and Littleton, of Counsell with him, moved, that the Return was insufficient in substance; therefore he prayed, that he might be bailed. It is true, that it is of great consequence, both to the Crown of the King, and to the liberty of the Subject. But, under favour, for the difficulty of Law contained in it, the case cannot be said Grand. In my Argument, I will offer nothing to the Court, but that which I have seen with these eyes, and that which in my understanding (which is much subject to mistakes) can receive no sufficient answer.

I will divide my argument into four severall heads.

1. To point out those matters which I think unnecessary, and not conducing to the matter in question.
2. I will consider the Warrant of the Privy Council in this case.
3. The Warrant of the King himself.
4. The objections which have been made by the contrary side, the strength of them, and give answer to them.

For the first of these heads, 1. I will admit, that the King may commit a man. 2. That a man committed by the King is not repleviable by the Sheriff, but he is bailable by this Court, notwithstanding the Statute of Westm. 1 C. 15. And that he shall not be bailable, is against the Petition of Right; I will

will not dispute it, for it is established by the Answer of the King to the said Petition. And the Arguments made to this purpose in the said Parliament, and in the Painted Chamber before both the Houses, are recorded in Parliament, to which every one may resort. But I will lay as a ground of my following Argument, that as offences are of two natures, Capitall, or as Trespases, so they are punished in two manners, to wit, Capitally, or by fine or Imprisonment. For the offences of the first nature, as Treasons, and the like, imprisonment is imposed upon the offender, onely for Custody; but for misdemeanours of the second nature, imprisonment is imposed upon him for a Punishment. Then this is my ground, That no free-man that is imprisoned, onely for misdemeanours before conviction, may be detained in prison without bayle, if it be offered, unlesse it be in some particular cases, in which the contrary is ordained by any particular Statute.

2. For the Warrant of the Privy Councill which signifies the pleasure of the King to commit the prisoner; perhaps this was a good ground of the commitment, but it is no ground for the detaining of the prisoner without bail; and this the King himself hath acknowledged as the ancient Right of the Subject in the Petition of Right, wherefore it is not now to be disputed.

3. For the Warrant of the King, as it is certified by this Return, there is not any sufficient cause contained within it, for the detaining of the prisoner in prison, for the Law being, as I have declared above, that for a misdemeanour, before conviction, no free man may be imprisoned before conviction, without bayl or mainprize, The sole question now is, If this Return contain within it any capitall offence; or if onely a trespass or misdemeanour, and then the party is baylable: And for the discussion hereof, I will consider the Return, 1. As it is divided in severall parts; 2. I will consider all those parts of it together.

1. As it is divided in parts. The first part of it, [for notable contempts by him committed against Our Self and Our Government] for [contempts] all contempts are against the King, mediately or immediately, and against his Government. [Notable] this is all one with notorious and manifest, as appears by the Statute of Westm. 1 chap. 11. and 26 E. 3. 71. which hath been remembered. And [Notable] is but an emphaticall expression of the nature of the thing, and alters it not. [Against Us] All riots, routs, batteries, and trespasses, are against Us, and against Our Crown and Dignity; contempt against any Court of Justice, is a contempt against Us. But if the Return were made here, that he was committed for a contempt made in Chancery, the party shall be bailed, as it was resolved in this Court in Michael Apley's case, and in Rutwel's case, 13 Jac. for the Return is too generall. C. 11. 98. In it the nature of the offence ought to be expressed, that the Court may judge thereof. And [contempts] here is individuum vagum; therefore for them, before conviction, the party cannot be imprisoned without bayl or mainprize.

The second part of the Return is, [And for stirring up of sedition against Us] The other side said, that Sedition is ever taken in the worst sense. That is true. But hence it followes not, that the party that commits it is not baylable. Every small offence is taken in the worst sense, as the stealing of an Apple, and the like; but such kind of of-

offenders shall not be committed without bayl. To examine the nature of this offence, which is called [Sedition] it ought to be understood, as this Return is, either as Trespass, or as high Treason, for it cannot be intended to be petty-treason; for, petty-treason is so called, in respect of the offence done to any particular subject; but in respect of the King, it is but as a felony, therefore the Indictments for the same are, feloniously and traitorously. And here the words are, — sedition against Us — so of necessity it ought to be intended of an offence, that more immediately concerns the King. For the discussing of this matter, first, I will consider in what sense and signification this word [Seditio] is used.

2. How it shall be expounded here by the relation thereof to the King.

3. What sense these words [against Us] shall have here.

1. For Sedition; it is not found in the division of offences in our Law, but as it is mingled and coupled with other offences. No Indictment of Sedition onely was ever seen, nor can be shewen; routs, riots, and unlawfull assemblies, are much of the same nature with it, and do well expresse the nature of Sedition. The English word is drawn from the word [Seditio] in Latine, and the derivation of it is, as hath been observed, Se-ritio, or, Seortum-ritio; and the seditious (as one saies) take a diversion, and draw others: It is used in the Bible, in Poets, Histories, and Orators, for a tumult, or hurly-burly, or uprore, or confused noise, — Seditioque recens dubioque susurro, in Liv. lib. 2. cap. 44. And in Tacitus it is taken for mutiny in an Army, when the Army is alwaies repining at the Captain. In the Italian Language, which is the elder son of Latine, sedition and discord is all one. Numb. cap. 20. 3. the Latine Translation is, Versi in seditione; the English is, chode, or murmured. Numb. 26. 9. the Latine is, In seditione Corah; the English is, In the company of Corah, Numb. 27. 3. the Latine is, Nec tuit in seditione eorum; the English is, In the company or assembly of them. Judg. 12. 1. the Latine Translation is, Facta est ergo seditio in Ephraim; the English Translation is, The men of Ephraim gathered themselves together. In the New Testament, Act. 19. 40. Seditio in the Latine is translated uprore, or meeting. Act. 15. 2. Facta est ergo seditio, &c. and it is translated dissention and disputation. Act. 24. 5. Tertullus the Orator accuseth Paul for moving sedition; and the subsequent words are, A ring-leader of the sect of the Pharisees; so that his sedition there was but a schism: And the words there are in a manner the very same with ours here; there it was, for moving; here, for stirring of sedition. Seditio, as an approved Author saies, imports, discordiam, to wit, when the members of one body fight one against another. The Lord of St. Albans, who was lately the Lord Chancelor of England, and was a Lawyer, and great States-man likewise, and well knew the acceptation of this word [Seditio] in our Law, hath made an Essay of Sedition, and the Title of the Essay is, Of Seditions and Tumults: the whole Essay deserves the reading. And there is a Prayer in the Letany, — From sedition and heresie, &c. So that here Sedition is taken as a kind of Sect.

This being the naturall signification of the word, then the next labour shall be to see, if any thing in our Law crosse this exposition. And it seems clearly, that there is not. 2 H. 4. cap. 15. And it is in the Parliament-Roll, numb. 48, against Lollards, who at that time were taken

taken as hereticks, saies, That such Preachers which excite and stir up to sedition shall be convented before the Ordinary, &c. There, sedition is taken for dissention and division in doctrine. And this is not made treason by the said Statute, although the said Statute be now repealed by the Statute of 25 H. 8. c. 4. 1 and 2 Phil. & Mar. c. 3. which is in Rastall, Newes 4. which is an act against seditious words and newes of the King and Queen, which is a great misdemeanour; and yet the punishment appointed to be indicted by the said Statute is but the Dillory or a fine of 100l. And the said Statute, by the Statute of 1 Eliz. c. 16. was extended to her also, which Statute now by her death is expired: which I pray may be observed, 13 Eliz. cap. 1. against those, who seditiously publish who are the true heirs of the Crown, that they shall be imprisoned for a year, &c. And 13 Eliz. c. 2. the seditious bringing in of the Pope's Bulls is made treason, which implies, that it was not so at the Common Law, 23 Eliz. c. 2. If any person shall devise, write or print any book, containing any fall, seditious, and slanderous matter, to the stirring up or moving of any rebellion, &c. every such offence shall be adjudged felony. And in an Indictment upon the said Statute, (which see Cook's Entries, f. 352, 353.) there are the words — rebellionem & seditionem moveres and yet it is but felony, 35 Eliz. c. 1. made against seditious Sectaries. Also there are certain Books and Authorities in Law, which expresse the nature of this word Sedition, C. 4. 13. the Lord Cromwell's case. In an action for those words, You like of those that maintain seditions against the Queens proceedings, the Defendant pleaded, That he intended the maintenance of a seditious Sermon; and this was adjudged a good plea and justification. From which it follows, that the Seditious Sermon mentioned in the Declaration, and the maintaining of sedition against the Queen, is all of one signification; for if they might have been taken in a different sense, the justification had not been good. Phillips and Badby's case, which is in C. 4. 19. a. which was objected by Serjeant Berkley, makes strongly for me; for there an action upon the case was brought by a person, for those words, [Thou hast made a seditious Sermon, and moved the people to sedition this day] And although it were there adjudged that the action lay, yet the reason of the Judgment is observable, which was, because the words scandalize the Plaintiff in his profession; which imply, that if they had not scandalized him in his profession, no action would have lain. And ordinary words, if they scandalize a man in his profession, are actionable; as to say to a Judge, that he is a corrupt man; or to a Merchant, that he is a Bankrupt; although if they were spoken to another man, they would not bear an action. And although the Book say, that no act followed there; yet if the matter objected had been treason, the very will had been punishable, and, by consequence, a great slander. But it is observed, that words which imply an inclination onely to sedition, are not actionable, as, Seditious knave; but inclination to treason is treason, therefore words which imply it are actionable. And also for divers words, an action upon the case will lye, which induce not treason or felony; as, for calling a woman Whore, by which she loseth her marriage, and such like. Then sedition is no offence in it self, but the aggravation of an offence; and no Indictment (as I have said afore) was ever seen of this singly by it self. Tr. 21. E. 3. roll. 23. Sir John Garbut's case, which was put before by Ma-

son,

son, the Indictment was in prejudice of his Crown, and in manifest sedition, and yet the offence there was but a Robbery. It is true, that upon his arraignment he stood mute, therefore the Roll is, that he was put to penance, that is, to strong and hard pain; and this proves, that it was not treason; for if a man arraigned of treason stand mute, yet the usuall judgment of treason shall be given on him. And it is true also, that he cannot have his Clergy, because *insidiator viarum* was in the Indictment; which if it was, outs the party of his Clergy, untill the Statute of 4 H. 4. c. 2. as is observed in C. 11. Alexander Poulter's case And upon the same Roll of 21 E. 3 there are four other Indictments of the same nature, where [Seditiosè] is contained in them. Anno 1585, Queen Elizabeth sent a Letter (which I have seen by the hands of the noble Antiquary, Sir Robert Cotton) to the Mayor of London, for the suppressing of divers seditious Libels, which were published against her Princely Government; and yet in the conclusion of the Letter it appears, that they were onely against the Earl of Leicester, and this was to be published onely by Proclamation in London.

5 H. 4. numb. 11. and 13. The Earl of Northumberland preferred a Petition to the King in Parliament, in which he confesseth, that he had not kept his Majesties Laws as a liege subject; and also confesseth the gathering of power, and the giving of Liberties: Wherefore he petitioned the worship of the King (for so are the words) for his grace. The King, upon this Petition, demanded the opinion of the Lords of Parliament, and of the Judges assistant, if any thing contained within the said Petition were treason, or no; and it was resolved by them all, that nothing as it is mentioned in the said Petition was treason, but great misdemeanors; and yet truly, though not fully there mentioned, it was a great rebellion and insurrection. But they adjudged according to the said Petition, as you are now to judge upon the Return, as it is made here. In Mich. 33 Eliz. Cawdry's case, Sedition and Schism were described, As schism is a separation from the unity of the Church, so sedition is a separation from the unity of the Common-Wealth. And an Author saies, that a seditious person differs from a schismatick, because the one opposeth the spirituall truth, the other the temporall: And as schism of it self is not heresie, so sedition without other adjuncts is not treason. Bracton f. 112, 112, 118. hath been objected, that he makes sedition treason: I will grant to them, Hengham also, who is to the same purpose; for in those Books it is called, *Seditio Regis & Regni*. To them I answer, 1. That they are obscure. For, what signifies *seditio Regis*, or *tumultus Regis*? shall it be the same thing in sense with *seditio contra Regem*? It seems, that the said Authors neither remember Law nor Language. 2. Although they reckon sedition amongst the crimes *lesæ Majestatis*, yet that is not to be regarded, for they are obsolete Authors, and are not esteemed as Authors in our Law, as it is in Pl. 356. and C. 8. 35. but they may be used for ornament, and they are good marks to shew to us, how the Law was then taken, but not to declare how the Law is at this day; they are no binding authority; and if they be, yet we have them of our side likewise: For in his 14 Book Glanvill saies, That a man accused of such a crime shall be bayled, and that the Accuser shall give pledges And Bracton saies, That if no accuser appears, they shall be set at liberty. And Hengham reckons

reckons amongst the crimes *læſæ Majestatis*, the breach of the Peace, and so does Glanvil also. Fleta, who was a follower of Bracton, and transcribes much verbatim out of him, calls Seditio, Seductionem of the Lord the King. And 12 Edw. 1. the Statute of Rutland, which prescribes Lawes for Wales, enacts, That the Sherif shall enquire in his Turn, de seductoribus Domini Regis; and it is not apparent, whether he intend those which seduce the King, or his People. And in latter times, Seditio is called sedutio. In the time of Henry the seventh, the Earl of Northumberland being a great and potent Peer, and the King standing in awe of him, caused him, with twenty four others of great quality, to enter in an obligation of twenty thousand pound (which Obligation is in the hands of Sir Robert Cotton) unto Him, that if the said Earl knew Treason, Sedition, Loss, &c. to be intended to the King, that he should reveal it. 3. Also, Crimen *læſæ Majestatis*, which is the phrase of the Civill Law, is more generall then treason; and the old Authors, which have been cited much follow the Civill Law, which hath this expression; and Sedition by the Civill Law is Treason. But it was resolved, 11 R. 2. n. 14. We are not governed by the Civill Law. And the Mirrour of Justices, the principall copy whereof is in Benet Colledge Library in Cambridge, and there is also a copy in Lincolns-Inne Library) For Britton in his Book, who writ in the name of the King, have not the word Seditio in them. And I affirm confidently, that there cannot be shewen any Record, Book, or Statute, after the making of the Statute of 25 Edw. 3. in which Seditio is taken as a capitall offence. And yet the Mirrour of Justices reckons up severall kinds of Treasons, which he divides into Treasons against the Celestiall or Terrestriall Majesty; against the Celestiall Majesty, as Schism, Heresie, Miscreancy, (and according to this, the Book of 5 R. 2. Tryall 54 is to be understood, which saies, That a Miscreant shall forfeit his Lands, because it is a kind of Treason). And also he shewes divers Treasons against the King, as, the deslouring of the Kings eldest Daughter, &c. but not a word of Sedition. But admit, that Sedition imports a greater offence than Tumult, yet there is no colour to say, that it is Treason; for, 25 Edw. 3. is a flat Burie (that I may use the Inner-Temple phrase) to any thing to be treason, which is not contained in it, unlesse it be made treason by any speciall Act afterwards, and 25 Edw. 3. does not make it Treason. Stamford cites Glanvill, and Bracton, and other antient Books, to shew what was Treason before the said Statute, and what not: And he saies, That it was a great doubt what shall be said Treason; saving that all agree, that any thing that tends to the death of the King was Treason. 3ly. Now examine the words, —against Us— those words make not the crime more heinous, as the case is. I agree, that if the words had been —Seditio to take away the life of the King— it would have been treason: yea, the very thought of treason is treason, (though none can judge thereof till it be produced in act) 19 H. 6. 47. b. by

See Fortescue, f. 115. the which was not cited - there never Seditio, Strife, or Murrur is heard.

Newton, 13 Jac. B. R. John Owen's case, the writing of a Letter, whereby he intended the death of the King, was treason; but it is not expressed, that the raising of this sedition was with such intent, whereby this differs from all the cases which can be put, in which there is such an intent of the death of the King. Alſo this, Raising of sedition against Us, shall not be intended treason; for if it had been so, the King would have so expressed it by the word Treason: For, as in his gracious disposition, he will not extend a fault beyond the magnitude thereof; so he will give to every offence the true and genuine name. If the Return had been, — against Our Person — it had been more certain, that it concerned the King immediately; this, may be against any point of his Government. And the proper and naturall signification of the words, — against Us — is as much as, Against Our Authority, Our Superintendency, against Our Peace, Crown, and Dignity, which are the usuall words in every Indictment of Felony. Every breach of the Peace is against the King. The usuall Return upon every ordinary Writ out of this Court, is, That the party be before Us; and contempt to this Court is, Contempt against Us, and it is in the nature of sedition to the King. Contempts to the Court of Star-chamber, are Contempts against Us; and upon them, Commissions of rebellion issue; and if the parties are brought in upon such Commissions, yet they are baylable untill their conviction. The King styles himself, Us, in Writs; and every disobedience to any Writ may be said, Sedition against Us. Routs, riots, illoppall assemblies, may well be said and called, Sedition against Us: And for such offences, a man shall not be restrained of his liberty upon an [it may be] Such a Return is necessary, by which the Court may be truly informed of the offence. For the Writ of Habeas Corpus is, to submit and receive what the Court shall ordain. And this Return of this nature is not to be compared to Writs which are generall; and make a brief narration of the matter, and are pursued and explained by subsequent Declarations. And yet I urge not, that the Return ought to be as certain as an Indictment; for an Indictment of Murder is not good, if it lack the word Murdravit. But the Return upon an Habeas corpus, q. d. interfecit I. S. upon prepenſed malice, is good; for the nature of the thing is expressed, although the formall word be wanting; but out of the Return, the substance of the offence ought alwaies to appear, which appears not here. But it hath been said by the other side, That, let the cause in the Return be as it will, yet is it not traversable, 9 H. 6. 54. and I confesse it. But as C. 11. James Baggs case is, the Return ought to have certainty so much in it, that, if it be false, the party grieved may have his action upon the case. And the grievance complained of in the Deniall of Right is, that upon such Return no cause was certified, that is, no such cause upon which any Indictment might be drawn up; for we never understand, that the party shall be tryed upon the Habeas Corpus, but that upon the matter contained within it, an Indictment shall be made, and he shall have his tryall upon it. And yet it is clear, and it hath been agreed of all hands

hands, in the Argument of the grand Habeas corpus, Mich. 3. Car. in this Court, that if the cause be certified upon the Return of the Habeas corpus, that the Court may judge of the legality of that cause. 2. Consider the parts of this Return, as they are coupled together, — for notable contempts by him committed against Our Self and Our Government, and for stirring of sedition against Us — Upon the entire Return, the King joynes sedition with notable contempts, so that it is as much as if he had said, that Sedition is one of the notable contempts mentioned in the first part of the Return, so that he makes it but a contempt. For the generality and uncertainty of the Return, I refer my self to the cases put by Mr. Ask, and I will not waive any of them. True it is, if the Return had been, that it was for Treason, he had not been bailable but by the discretion of the Court, and such Return would have been good; but it is not so of sedition, Gard. 157. Treason is applyed to a petty offence, to the breach of trust by a Guardian in Socage; but it is not treason. And so sedition is of far leise nature then treason, and is oftentimes taken of a trespassse; it is not treason of it self, nor seditiosè was never used in an Indictment of treason. It was not treason before the 25 of Edw. 3. nor can it be treason; for 25 E. 3. is a flat Barre (as I have said before) to all other offences to be treason, which are not contained within the said Act, or declared by any Statute afterwards. And there are offences which are more heinous in their nature then sedition is, which are not treason, as Insurrections, &c. which see in the Statute 11 H. 7. cap. 7. 2 H. 5. cap. 9. 8 H. 6. cap. 14. 5 R. 2. cap. 6. 17 R. 2. cap. 8. and by 3 and 4 E. 6. cap. 5. the assembly of twelve persons to attempt the alteration of any Law, and the continuance together by the space of an hour, being commanded to return, is made treason; which Act was continued by the Statute of 1 Mar. cap. 12. and 1 Eliz. cap. 16. but now is expired by her death, and is not now in force, (although the contrary be conceived by some) which I pray may be well observed. By the Statute of 14 Eliz. cap. 1. rebellious taking of the Castles of the King is made treason, if they be not delivered &c. which shewes clearly, that such taking of Castles in its nature was not treason. But the said Statute is now expired; and also all Statutes, creating new treasons, are now repealed. But, for a conclusion of this part of my Argument, I will cite a case, which, I think expresse, in the point, or more strong then the case in question. And it was M. 2. E. 3. roll. 39. B. R. Peter Russells case; he was committed to prison by the Deputy Justice of North-Wales, because he was accused by one William Solymann of sedition, and other things touching the King: And hereupon a Commission issued out of the Chancery, to enquire, if the said Peter Russell behaved himselfe well or seditiously against the King, and by the Inquisition it was found, that he behaved himself well. And upon an Habeas Corpus out of this Court, his body was returned, but no cause. But the said Inquisition was brought hither out of Chancery, and for that no cause of his caption

was returned, he prayed Delivery; but the Court would not deliver him, till it knew the cause of his Commitment: Therefoze (taking no regard of the said Inquisition) they now send a Writ to the now Justice of Wales, to certifie the cause of his commitment. And thereupon he made this Return, That the foresaid Peter Russell was taken, because one William Solyman charged him, that he had committed divers seditions against the Lord the King; and for that cause he was detained, and for no other. And because the Return mentions not what sedition in speciall, he was bayled, but not discharged. And I desire the baylment of the prisoner onely, and not his Deliverance. I desire that the case be well observed. In the said case, there was an actuall sedition against the King; here is onely a stirring up of sedition. The words of the said Award are, *Videtur curiæ*; which are the solemn words of a Judgment, given upon great deliberation. There it was, — for other things concerning Us — This is all one as if it had said, — for other things against Us — Concerning the King, and, Against the King, are all one, as appears by 25 E. 3. c. 4. de Clero, Stamf. 124. Westm. 1. c. 15. Bracton, f. 119. 14 Eliz. c. 2. And the words of the Judgment in the said case, were not, — *dimittitur* — but, — *ideo dimittendus* — which imply the right of the party to be bayled. The said case in some things was more particular then our case, and more strong; for, there was an Accuser to boot, which wants in our case. There, true it is, that he was committed by the Justice of Wales, and here by the King himself; but this makes no difference, as to this Court: for, be the commitment by the King himself, or by any other, if it be not upon just cause, the party may be bayled in this Court. And for the Inquisition, which is mentioned, it was no Tryall in the case; nor did the Court give any regard thereto. To detain the prisoner by the command of the King singly, is against the Petition of Right; but it being coupled with the cause, the cause is to be considered, and the truth of the cause is to be intended, as well where it is mentioned, to be by an inferiour Judge, as where by the King himself, for it is traversable neither in the one nor other. And 22 H. 8. roll. 37. B. R. and 1 H. 8. roll. 8. Harrisons case resolv'd, that a man committed by the command of the King, is baylable. And 33 Eliz. it was resolv'd by all the Justices of England, which I have view'd in chief Justice Andersons Book, under his own hand, and it was produced in Parliament, That all men committed by the Privy Councill are baylable, if the commitment be not for high treason. In all cases of commitment, an accuser is understood. Suppose that the accusation mentioned in Russels case of sedition, had been an accusation of treason, then the Judges ought not to have bayled him of right, and no man will say, but that the said accusation was a good cause to commit him. But the discovery of the offence ought to be afterward in an Indictment.

Fourthly, I come to the objections which have been made on the contrary.

1st. It was objected, That this was a case of great consequence. I confesse it, but this consequence is not to the King; for if it be truly treason, then they might have returned Treason, and then the party was not to be bayled of right, till there should be a failure of prosecution; as was lately in Melbourns case, who was bailed for lack of prosecution, the Return being for high treason.

2ly. It was objected, that there can be no conviction, as this case is, therefore there ought to be coercive power to restrain the prisoner. This is strangeness to me, that there shall be any offence, for which a man cannot be convicted. And if there can be no conviction, it hence followes, that there is no offence; and if there be no offence, there ought by consequence to be no imprisonment.

A 3ly. The case of ¹⁴H. 7. 8. hath been objected, that a Justice of Peace may commit Rioters, without bayl. I confesse it, for this is by force of a Statute which ordains it.

B 4ly. It hath been objected, That if a house be on fire, it is lawfull to pull down the neighbours house, for the prevention of further mischief; and the cases of 22 ass. and 22 E. 4. that every man may justify the coercion of a mad-man. I answer, That these cases are true, for of necessity, and no other evasion: but here, bayl is proffered, which is body for body. Fire is swift, and cannot be punished, and no caution can be obtained thereof. But observe the true inference and consequence of this Argument, If my house be on fire, my neighbours house must be pulled down: Mr Selden is seditious, ergo, Mr. Herbert his neighbour must be imprisoned.

C 5ly. It hath been objected out of Br. Treason, 24. 1 Mar. That the said Statute of 25 E. 3. is taken largely, and that the detaining of a Castle or Fortresse is treason. To this I answer, That the bare detaining of a Castle is not treason, unlesse it be with intention of the death of the King; but the taking of a Castle is treason. And the case there meant by Brook is Constables case, Dy. 128. And I confesse, 13 Eliz. Dy. 298. Doctor Story's case, that conspiracy to invade the Kingdom, is treason; for this cannot be without great danger of the death of the King; for, — arma tenenti, Omnia dat qui iusta negat — and all those Indictments were, that they intended the death of the King, but no such intention is expressed here.

D 6ly. It hath been objected, That this case is out of the Petition of Right, because in this Return there is a cause shewed. But the grievance whereupon the Petition of Right was framed, was, where no cause was returned. It is true, that the grievance goes no further, but where no cause was returned, for, that was the grievance at that time. But the words of the Petition of Right are further, — without being charged with any thing, to which they might make answer by the Law — which implies, that such cause ought to be contained in the Return, which being put into an Indictment, the party may have his answer thereto.

E 7ly. It was objected, that the Return shall not be construed and expounded by fractions. I answer, That we need not make such an exposition; for the ioynt-construction thereof makes more for us, then the severall, as is shewed before.

8ly. That a generall Return is sufficient, and it need not have tearms of Art in it, as an Indictment ought to have. For answer, I confesse it; but I affirm, as above, that a Return ought to be so particular, that the nature of the offence ought to appear out of it: And it is not to be compared to generall Writs, as, Apollatá capiendo, I lora examinando, Leproso amovendo, and the like: for those Writs are good enough, because they contain the very matter. And although it hath been said, that there are two kinds of Lepers, yet I never heard but of one.

one. And the Writ, de Haretico comburendo, is generall, and good, because it is but a Writ of Execution upon a Judgment, given by the Spirituall power. But because they might not meddle with the blood of any man, the execution is by the Secular power.

9ly. It hath been objected out of 30 ass. p. 19. that the King would have one drawn and hanged, for bringing in into England the Bulls of the Pope. But the Book answers it self, for he was not drawn and hanged.

10ly. The Statute of Westm. 1. cap. 15. was objected. But as oft as that Statute is objected, I will alwaies cry out, The Petition of Right, the Petition of Right! as the King of France cryed out nothing but France, France! when all the severall Dominions of the King of Spain were objected to him.

11ly. A curious distinction hath been taken by Serjeant Davenport, between stirring to sedition, and stirring up sedition; for the first implies an inclination onely to do it, the second implies an act done. But this is too nice, for if a man stir up sedition, or to sedition, if it be with intention of the death of the King, the one and the other is treason.

12ly. The opinion of Fortescue in 31 H. 6. 10. b. hath been objected, That for an offence done to the Court, a man may be committed before conviction. To this I answer, 1st. That the Book does not say, That he shall be committed without bayl. 2ly. The offence being done in face of the Court, the very view of the Court is a conviction in Law.

13ly. There was objected the 24 of E. 3. 23. Sir Thomas Fitchet's case, who, for going armed in the Palace, was committed by this Court, without bayl or mainprize; which seems to be the strongest and hardest case that hath been objected. But the answer to it is clear, and undeniable, for the Statute of 2 E. 3. c. 3. is, That if any one come armed before the Justices, he shall forfeit his Armour, and shall be imprisoned during the Kings pleasure; so that by the expresse purview of the Statute, such a man is not baylable. So my conclusion remains firm, notwithstanding any of those objections, That the prisoner here being committed before conviction of any offence, (it being not possible to understand this offence treason) is baylable. And that he is baylable here, I will offer two other reasons: 1st. The Return here is for sedition; and there is an information in the Star-chamber against the Prisoner, for seditious practises against the King and his Government. I will not affirm, that they are the same offence, but there is some probability that they are the self-same; and if they be the same offence, then the sedition here intended is not treason, and so the party is baylable. 2ly. This Prisoner was ready at this Bar the last Term, and here was a Grand-Jury at Bar the last Term, and here was the Kings Counsell present, who are most watchfull for the King; and yet an Indictment was not preferred to them against this Prisoner. Which things induce me to be of opinion, that the offence here mentioned in this Return is not treason, or so great as is pretended on the other side. I will remember one case which perhaps may be objected. (and yet I think they will not object it) and so conclude, 1 R. 2. Parliament Roll 14. in the printed Statute, c. 3. and 5. where it appears, that Divers questions were propounded by the King

to Tresilian and Bealknap, the two chief Justices, and to the other Justices: one of which questions was, How they are to be punished who resisted the King in exercising his royall power, &c. And the answer of the Judges was, *una voce*, that they are to be punished as traitors; and 21 R. 2. c. 21. this opinion was confirmed. But afterwards in 1 H. 4. c. 3. and 4. and 1 H. 4. in the Parliament-Roll, numb. 66, 67 the Judges were questioned for their opinion, in Parliament. They answered, That they were threatned and enforced to give this opinion, and that they were in truth of the contrary opinion. And Bealknap said, That he acquainted and protested to the Earl of Kent aforehand, that his opinion was allwaies to the contrary. But the Parliament was not content with these excuses, but they were all adjudged Traitors; and Tresilian's end is known to all, and Bealknap was banished; for his Wife in 2 H. 4. brought a Writ, without naming her husband, because he was banished. And the said Statute of 21 R. 2. was repealed. Therefore upon the whole matter I conclude, that the Prisoner ought to be bayled.

On the same day, Sir Miles Hubbart, and Benjamin Valentine, and Denfill Hollis Esquires, were at Bar, upon an Habeas corpus directed to the severall Prisons; and their Counsell was ready at the Bar to have argued the case for them also: But because the same Return was made as above, they said, That all of them would rely upon this Argument made by Mr. Littleton,

The case of the grand Habeas corpus for Mr. Selden and others, was now argued by Heath, the Kings Atturney Generall, That this Return was good, and that the parties ought not to be bayled: And that within the Return there appears good cause of their commitment, and of their detaining also. The case is great in expectation and consequence: and concerns the liberty of the Subject on the one part, Whereof the Argument is plausible; and on the other part it concerns the safety and soveraignty of the King, which is a thing of great weight. The consideration of both pertaines to you the Judges, withoutighting the one, or too much elevating the other. The Return, which now is before you, is entire; but I will first consider it as divided in parts. First, The first Warrant, which is that of the Lords of the Privy Council, is generall, that it was by the command of the Lord the King: and this in former times was held a very good Return, when due respect and reverence was given to Government; but, *Tempora mutantur*. And this Return is no way weakened by any latter opinion; for notwithstanding that the first commitment of a man may be generall: for if upon the Return, the true cause should be revealed to the Gaoler, by this means, faults should be published and divulged before their punishment, and so the complices of the fact will escape; and it is not fit that the Gaoler, which is but a ministeriall Officer, should be acquainted with the secrets of the cause. But when the cause is returned in Court, more certainty is requisite; for then (as it hath been objected) something ought to be expressed to which the party may answer, and upon which the Court may ground their Judgment. And to this purpose, it hath been much insisted upon the Petition of Right; but the Law is not altered by it, but remains as it was before. And this will appear upon the view of all the parts of the Petition. 1st. The occasion of

Sir Rob. Heath,
the Kings Atturney
Generall, his Argument
against
Mr. Selden.

of the Petition, and the grievance is shewed in these words, Divers of your Subjects have been of late imprisoned, without any cause shewed, &c. But in this Return there is a cause shewed, to which the parties may answer. Then secondly, the prayer of the Petition is, That no free-man, in any such manner as before is mentioned, be imprisoned or detained; that is, such manner of imprisonment, the ground whereof doth not appear. Then the answer of the King to the Petition was in sundry words, 2 Jun. 1628. in these words, The King willerth, that right be done according to the Lawes and Customes of the Realm, &c. Which answer gave not satisfaction. And afterwards his answer was in a Parliamentary phrase, Soit droit fait come est desire. But afterwards on the 26 of June, 1628. the King expressed his intention and meaning in the said Answer. It must needs be conceived, that I have granted no new, but onely confirmed the antient liberties of My Subjects, &c. A Petition in Parliament is not a Law, yet it is for the honour and dignity of the King, to observe and keep it faithfully; but it is the duty of the people not to stretch it, beyond the words and intention of the King. And no other construction can be made of the Petition, then to take it as a Confirmation of the antient liberties and rights of the Subjects. So that now the case remains in the same quality and degree, as it was before the Petition. Therefore we will now consider, how the Law was taken before the Petition, and for the discussing thereof, we will examine the second part of the Return, and in it two things, 1st. if the Return, as it is now made, shall be intended for true: 2. admit that it is true, if there be any offence contained within it, which is good to detain the Prisoners. For the first, It is clear, that the cause shall be intended true which is returned, though in truth it be false; and so are 9 H. 6. 44. and F. Corpus cum causa, 2. and C. 11. Baggs case. 2^{ly}. It seems, that there is such a crime contained in this Return, which is a good cause for detaining the Prisoners. It is true, that it was confidently urged in Parliament, in terro Caroli, that generall Returns, that were committed by the command of the Lord the King, are not good; and that those Arguments remain as Monuments on record, in the Upper House of Parliament; but I will not admit them for Law. But I will remember what was the opinion of former times, 22 H. 6. 52. by Newton, a man committed by the command of the King, is not repleviable. And the opinion cannot be intended of a Replevin made by the Sheriff, because the principal case there is upon a Return in this Court. 33 H. 6. 28. Poyning's case, where the Return was, That he was committed by the Lords of the Council, and it was admitted good. It is true, that this opinion is grounded upon Westm. 1. cap. 15. but I will not insist upon it. But the constant opinion hath alwaies been, that a man committed by the command of the King, is not baylable. In 9 H. 6. 44. it is said, That if one be taken upon the Kings suit, the Court will not grant a Superedeas. The contrary opinion is grounded upon Magna Charta, which is a generall Law, and literally hath no sense to that purpose; and it is contrary to the usuall practise in criminall causes, in which the imprisonment is alwaies lawfull untill the tryall, although it be made by a Justice of Peace, or Constable. And that a man committed by the command of the King, or Privy Council, is not baylable, he cited

1 Jacobi, **Sir John Brocker's case**, 8 Jac. **Sir Thomas Cesar's case**, 12. Jac. **James Demetrius's case**, 43 Eliz. **William Rinch's case**. And in the case M. 36 Eliz. and 4 and 5 Eliz. **Richard Thimelby's case**. And said, that there are innumerable presidents to this purpose. M. 21 and 22 Eliz. upon the return of an Habeas corpus it appears, that Michael Page was committed by the command of the Lord the King, but was not delibered; and after was arraigned in this Court, and lost his hand. And at the same time, Stubbs was committed by the command of the Lord the King, for seditious words and rumors, and he lost his hand also upon the same tryall. M. 17 and 18. Eliz. Upon Habeas corpus for John Loan, it was returned, That he was committed for divulging sundry seditious writings, and he was remanded. And 7 H. 7. roll. 6. Rugs case; and roll. 13. Chase's case, where the Return was, that they were committed by the command of the Lord the King, and they were not delibered; and this was also the opinion in this Court, M. 3. Car. And after the said time the Law is not altered, and so I hope neither are your opinions. But to consider the particular cause mentioned in the Return, I will not rely upon the first part of the words, although they be of great weight, but onely upon the last words, — for stirring up of sedition against Us — But it hath been objected, that Sedition is not a word known in the Law: But I marvell, that the signification of the word is not understood, when it is joyned with the words — against Us — this ought to be understood, Sedition against the King, in his politick capacity. [Sedition] hath sundry acceptations, according to the subject handled, as it appears C. 4. Lord Cromwel's case, which hath been cited. If it be spoken of a man, that he is seditious; if it be of a company in London, it shall be understood sedition in the Company; if it be spoken of a Souldier, it shall be taken for mutinous. Mr. Littleton, who argued this case very well, said, That Tacitus useth this word, and it is true; and he saies, That there are two manners of Seditions, Seditio armata, & togata; and the last is more dangerous then the former. But couple it with the subsequent words here, [against Us] the interpretation and sense thereof is easie, & loquendum ut vulgus. Mr. Littleton shewes the acceptation of this word in divers places of Scripture, and I will not reject them, for they make for me: 20 Numb. 3 the Latine is, — populi versi sunt in seditionem; and it is Englished — murmuring — but clearly it was high treason against their Governour, and God himselfe. 26 Numb. 9. in seditione Corah — it is manifest, that that was a great Insurrection. 12 Judg. 1. Facta est ergo seditio in Ephraim, The Ephramites rose against Jephtha; and he at the same time was their Judge and Governour, so it was the height of Insurrection. It is true, that in 15 Act. 2. Facta est seditio; and in some Translations it is, Orta est repugnantia non parva, for it may be taken in severall senses. 19 Acts 40. the Town-Clerk there knew not how to answer for this daies sedition, or insurrection; and no doubt he was in great perill, for it was a great insurrection; and I with the greater ones were as circumspect as he was. 24 Act. 5. Tertullus accused Paul of sedition, and doubtlesse it was conceived a great offence, if you consider the time and other circumstances, for they were Heathens and Romans. And although he in be-

ry truth taught the Gospell of God, yet he was taken for a pestilent fellow, and as a perswader to shake off Government. *Bracton lib. 3. de Corona, c. 2.* ranks Sedition amongst the crimes *laesæ Majestatis*. But it hath been objected, that if it be a capitall offence, it ought to be felony or treason. To this I say, That it cannot be felony, but it may be treason, for any thing that appears. It is true, that by the statute of 25 E. 3. treasons are declared, and nothing shall be laid treason, which is not comprized within the said Statute, unlesse it be declared so by Act of Parliament. But upon indictment of treason, such sedition as this may be given in evidence, and perhaps will prove treason. And the Return is not, That he was seditious, which shewes onely an inclination; but that he stirred up sedition, which may be treason, if the evidence will bear it. In divers Acts of Parliament, notice is taken of this word [Seditio] and it is alwaies coupled with Insurrection or Rebellion, as appears by the Statutes of 5 R. 2. c. 6. 17 R. 2. c. 8. 2 H. 5. c. 9. 8 H. 6. c. 14. 3 & 4 E. 6. c. 5. 2 R. 2. c. 5. 1 and 2 Phil. & Mar. c. 2. 1 Eliz. c. 7. 13 Eliz. c. 2. 23 Eliz. c. 2. 27 Eliz. c. 2. and 35 Eliz. c. 1. all which were cited before, and they prove, that [Sedition] is a word well known in the Law, and of dangerous consequence, and which cannot be expounded in good sense. Wherefore the nature of the offence, I leave it to the Court. But out of these Statutes it appears, that there is a narrow difference between it and treason, if there be any at all.

3ly. As to the Objections which have been made, I will give a short answer to them.

1. It was objected, That every imprisonment is either for custody or punishment, the last is alwaies after the judgment given for the offence; and if it be but for custody, the party upon tender of sufficient mainpernors is baylable. I confesse, that this difference is true, but not in all respects; for I deny, that a man is alwaies baylable, when imprisonment is imposed upon him for custody: For, imprisonment is for two intents, the one is, that the party which had offended should not avoid the judgment of Law; the second is, that he shall not do harm in the interim during his tryall; and the Law is carefull in this point. But it hath been said, That although the party be bayled, yet he is imprisoned. I deny that, for so is 1 H. 4. 6. If the party come not at the day, the Bayl shall be imprisoned; but yet the Bayl shall not suffer the same punishment which ought to have been inflicted upon the party; as if it were for treason, the Bayl shall not answer for the fault, but onely for the body. Serjeant Berkley did well call a seditious man an Incendiary to the Government; and, as *commune incendium*, is to be restrained of his liberty. And he put 22 E. 4. and 22. ass. 56. that a mad-man may be restrained, to prevent the hurt he would otherwise do himself and others. A seditious man is as a mad-man in the publick State of the Common-Wealth, and therefore ought to be restrained. And it appears by the Writ, *de Leproso amovendo*, that a Leper is to be removed, and in a manner imprisoned, for the contagion of the disease; and this is for the safeguard of others, lest his Leprosy infect others. The application is easie. And by the Statute of 1 Jac. c. 33. is restrained to keep within doors; & if he go abroad, any man may justify the killing of him. The infection of sedition is as dangerous, as any of these diseases, therefore it is not safe to let seditious men to bayl, or

at

at liberty, & in dangerous cases, the wisest way is, to make all safe. In all cases of this nature, much is left to the discretion of the Court. The case of M. 3 E. 3. roll. 39. Russell hath been objected, to be in the point; I have viewed the Record of that case, and although it be verbally, yet it is not materially to this purpose; for the commitment was by a Justice of North Wales, upon the accusation of an accuser; and it was within a short time after the Statute of 5 E. 3. by which it was ordained, That none should be imprisoned upon the accusation of one accuser: But here the Detainment is by the King himself, for stirring up of sedition. And there the Return was, That he was accused of Seditions and Undecencies, where the latter word doth qualifie the former. And there issued a Writ of good behaviour, (as the use was) to enquire of the truth of the offence; and it was found, that there was no such offence: and then upon the same Return again he was set at liberty; so that the case there was speciall, and the manner of proceedings speciall. And I desire, that one thing may be observed, that Russell came in here upon the Habeas corpus, 20 Sept. but was not delivered untill Hillary Term following. And for 28 H. 6. the Duke of Suffolk's case which was objected, that the generall accusation of divers treasons was not legall. That is true, because it was in Parliament, and in the nature of an accusation; and being in a Court of Justice, it had been unjust to condemn a man before his Tryall; and yet this Court, upon probability of a fault, doth oft-times restrain a man before conviction. But it hath been objected in this case, They have been a long time imprisoned, and no proceedings against them. It is well known, that there have been some proceedings against them, and they declined them; and also more then three months is requisite for the preparation of such proceedings, and the King intends to proceed against them in convenient time. And some that were offenders in the same kind are already delivered, to wit, Mr. Coryton, and Sir Peter Hayman. Therefore if any injury be done to the prisoners, they themselves are the cause of it, for not submitting themselves to the King. And for the instance which Mr. Littleton used of the Judges in 11 R. 2. although they suffered for their opinions given to the King, I desire, that the time when their opinion was delivered may be considered, to wit, in the time of R. 2. and the time when they suffered, to wit, in the time of H. 4. And it was the saying of a noble Gentleman, the Lord Egerton, That Bealknap suffered rather by the potency of his enemies, then the greatnesse of his offence: And yet it is to be confessed, that they might have given better counsell, but there was no time to dispute of the justnesse of their counsell, when the sword was in the hands of the Conquerour.

It hath been relied upon the resolution of all the Justices of England in 34 Eliz. which resolution is now registred in the Upper House of Parliament, at the request of the Commons, in tertio Caroli Regis; but I leave it to you, as that Resolution shall sway your judgments. The said Resolution is, That the cause ought to be certified in the generality or specialty; and here the generall cause is certified at least, if the special be not so; upon the whole matter, the bayment of these prisoners is left to your discretion; and I have shewed to you the discretion of your predecessors. And if any danger appear to you in their bayment, I am confident that ye wil not bayl them, if any danger may ensue; but first

ye are to consult with the King, and he will shew you where the danger rests. Therefore upon the whole matter I pray, that they be remanded.

When the Court was ready to have delibered their opinions in the grand Habeas corpus for Mr. Selden and others, the Prisoners were not brought to the Bar, according to the Rule of the Court; Therefore Proclamation was made, for the Keepers of the severall prisons, to bring in their Prisoners; but none of them appeared but the Marshall of the Kings Bench, who said, that Mr. Stroud that was in his custody, was removed yesterday, and put in the Tower of London by the Kings own Warrant; and so it was done with the other Prisoners; each of them was removed out of his Prison, in which he was before. But, this notwithstanding, it was prayed by the Counsell of the Prisoners, that the Court would deliver their opinion for the matter in Law. But the Court refused to do that, because it is to no purpose; for, the Prisoners being absent, they could not be hayled, delibered, or remanded.

Note. The last day of the Term, a Letter came to the Court from the King himself; the effect whereof was, to inform the Court of the reasons, wherefore the Prisoners were not suffered to come at the day appointed, for the resolution of the Judges.

Mich. 5 Car. B. R.

The case of the grand Habeas corpus for Mr. Selden and others, was now moved by Mason to have the resolution of the Judges; and the Court with one voice said, That they are now content that they shall be bailed, but that they ought to find Sureties also for the good behaviour. And Jones Justice said, that so it was done in the case which had been often remembered to another purpose, to wit, Russell's case in 9 E. 3. To which Mr. Selden answered, (with whom all the other Prisoners agreed in opinion) That they have the Sureties ready for the bayl, but not for the good behaviour; and desire that the bayl might first be accepted, and that they be not urged to the other.

An Information exhibit d in the King's Bench against Sir John Eliot and others.

Sir Robert Heath, the Kings Attorney-generall, exhibited Information in this Court against Sir John Eliot knight; Denzill Hollis, and Benjamin Valentine, Esquires: the effect of which was, That the King that now is, for weighty causes, such a day and year, did summon a Parliament, and to that purpose sent his Writ to the Sheriff of Cornwall to chuse two Knights, by vertue whereof Sir John Eliot was chosen, and returned Knight for Cornwall. And that in the same manner, the other Defendants were elect Burgessees of other places for the same Parliament. And shewed further, that Sir John Finch was chosen for one of the Citizens of Canterbury, and was Speaker of the House of Commons. And that the said Eliot, publicly and maliciously in the House of Commons, to raise sedition between the King, his Nobles and People, uttered these words, That the Councill and Judges had all conspired, to trample under-foot the Liberties of the Subjects. He further shewed, that the King had power to

to call, adjourn, and dissolve Parliaments: And that the King, for
 divers reasons, had a purpose to have the House of Commons adjourn-
 ed, and gave direction to Sir John Finch, then the Speaker, to
 move an adjournment, and if it should not be obeyed, that he should
 forthwith come from the House to the King. And that the Defendants,
 by confederacy afore-hand, spake a long and continued Speech, which
 was recited verbatim, in which were divers malicious and seditious
 words, of dangerous consequence. And to the intent that they might
 not be prevented of uttering their premeditated speeches, their intention
 was, that the Speaker should not go out of the Chair till they had spo-
 ken them; the Defendants, Hollis and Valentine, lay violent hands
 upon the Speaker, to the great frightment and disturbance of the
 House. And the Speaker being got out of the Chair, they by violence
 set him in the Chair again; so that there was a great tumult in the
 House. And after the said speeches pronounced by Sir John Eliot,
 Hollis did recapitulate them. And to this information, the Defendants
 have put in a plea to the Jurisdiction of the Court, because these offen-
 ces are supposed to be done in Parliament, and ought not to be puni-
 shed in this Court, or in any other, but in Parliament. And the Attor-
 ney Generall moved the Court, to over-rule the plea to the Jurisdiction;
 And that, he said, the Court might do, although he had not demurred
 upon the plea. But the Court would not over-rule the plea, but gave
 day to joine in Demurrer this Term. And on the first day of the next
 Term, the Record shall be read, and within a day after shall be argued
 at Barre. But Hyde, chief Justice, said to the Counsell of the Defen-
 dants, So far light we will give you. This is no new question, but all
 the Judges of England, and Barons of the Exchequer, before now,
 have oft been assembled on this occasion, and have with great patience
 heard the Arguments on both sides; and it was resolved by them all
 with one voice, That an offence committed in Parliament, criminally
 or contemptuously, the Parliament being ended, rests punishable in
 an other Court. Jones, It is true, that we all resolved That an offence
 committed in Parliament against the Crown, is punishable after the
 Parliament, in another Court; and what Court shall that be, but the
 Court of the Kings Bench, in which the King by intendment uttereth
 Whitlock, The question is now reduced to a narrow room, for all the
 Judges are agreed, That an offence committed in Parliament against
 the King or his Government, may be punished out of Parliament. So
 that the sole doubt which now remains, is, Whether this Court can pu-
 nish it. And Crook agreed, That so it had been resolved by all the
 Judges, because otherwise there would be a failure of Justice. And by
 him, If such an offence be punishable in another Court, what Court shal
 punish it but this Court, which is the highest Court in the Realm for
 criminall offences? And perhaps not onely criminall actions committed
 in Parliament are punishable here, but words also.

Mason of Lincolns-Inne argued for Sir John Eliot, one of the De-
 fendants. The charges in the Information against him are three.

1. For speeches.
2. For contempts to the King in resisting the Adjournment
3. For conspiracy with the other Defendants, to detain Mr. Spea-
 ker in the Chair.

Mr. Mason's
 Argument for
 Sir John Eliot.

In the discussion of these matters, he argued much to the same intent which he had argued before, upon an information brought in the Star-Chamber against the same Defendants, and others, for the same offences; therefore his Argument is reported here very briefly.

1st. For his speeches, They contain matter of accusation against some great Peers of the Realm; and as to them he said, That the King cannot take notice of them. The Parliament is a Council, and the grand Council of the King, and Councils are secret and close, none other hath access to those Councils of Parliament, and they themselves ought not to impart them without the consent of the whole House. A Jury in a Leet, which is sworn to enquire of offences within the said Jurisdiction, are sworn to keep their own counsell; so the House of Commons enquire of all grievances within the Kingdom, and their counsells are not to be revealed. And to this purpose was a Petition, 2 H. 4. numb. 10. That the King shall not give credit to any private reports of their proceedings, To which the King assents; therefore the King ought not to give credit to the information of these offences in this case. 2^{ly}. The words themselves contain severall accusations of great men; and the liberty of accusation hath alwaies been Parliamentary, 50 E. 3. Parliament-Roll, numb. 21. The Lord Latimer was impeached in Parliament for sundry offences, 11 R. 2. the Arch-Bishop of York, 18 H. 6. numb. 18. the Duke of Suffolk, 5 Mar. Dy. 93. the Duke of Norfolk, 36 H. 6. numb. 60. in Richard General, 2 & 3 E. 6. c. 18. the Lord Seymer, 18 of King James, the Lord of St Albans, Chancellor of England; and 21 of King James, Cromwell Lord Treasurer; and 1 Car. the Duke of Buckingham. 3^{ly}. This is a privilege of Parliament which is determinable in Parliament, and not else-where, 11 R. 2. numb. 7. the Parliament-Roll. Petition exhibited in Parliament, and allowed by the King, That the liberties and privileges of Parliament shall onely be discussed there, and not in other Courts, nor by the Common nor Civill-Law, (See this case more at large in Selden's Notes upon Fortescue, f. 42.) 11 R. 2. Roll of the Processe and Judgment. An appeal of treason was exhibited against the Arch-bishop of Canterbury and others, and there the advice of the Sages of the one Law and the other being required; but because the appeal concerned persons which are Peers of the Realm, which are not tryed else-where then in Parliament, and not in an inferiour Court, 28 H. 6. numb. 18. There being a question in Parliament concerning Precedency, between the Earl of Arundell and the Earl of Devon, the opinion of the Judges being demanded, they answered, That this question ought to be determined by the Parliament, and by no other, 31 H. 6. numb. 25, 26. During the prorogation of the Parliament, Thorpe that was the Speaker, was out in Execution at the Suit of the Duke of York; and upon the re-assembly of the Parliament, the Commons made Suit to the King and Lords to have their Speaker delivered. Upon this, the Lords demand the opinion of the Judges, who answer, That they ought not to determine the privileges of the High Court of Parliament. 4^{ly}. This accusation in Parliament, is in legall course of justice, and therefore the accuser shall never be impeached, 13 H. 7. and 11 Eliz. Dy. 285. Forging of false deeds brought against a Peer of the Realm, Action de scandalis Magnatum, doth not lie. C. 4. 14. Cutler and Dixy's case, where

Where divers cases are likewise put to this purpose, 35 H. 6. 15. If upon the view of the body the slayer cannot be found, the Coroner ought to enquire, Who first found the dead body; and if the first finder accuse another of the murder, that is afterward acquit, he shall not have an action upon the case, for it was done in legall manner. So it is the duty of the Commons to enquire of the grievances of the Subjects, and the causes thereof, and doing it in a legall manner, 19 H. 6. 19. 8 H. 4. 6. in conspiracy it is a good plea, that he was one of the Indictors. And 20 H. 6. 5. that he was a grand Jurymen, and informed his companions. And 21 E. 4. 6, 7. and 35 H. 6. 14. that he was a Justice of Peace, and informed the Jury, 27 ass. p. 12. is to the same purpose. And if a Justice of Peace the first finder, a Juror, or Indictor, shall not be punished in such cases; a fortiori, a Member of the House of Commons shall not. who, as 1 H. 7. 4. is a Judge. 27 ass. p. 44. may be objected, where two were indicted of conspiracy, because they maintained one another; but the reason of the said case was, because Maintenance is matter forbidden by the Law; but Parliamentary accusation, which is our matter, is not forbidden by any Law. C. 9. 56. there was conspiracy, in procuring others to be indicted. And it is true, for there it was not his duty to prefer such accusation. (2) The accusation was extra-judicial, and out of Court: but it was not so in our case. (3) Words spoken in Parliament, which is a superiour Court, cannot be questioned in this Court, which is inferior. 3 E. 3. 19. and Stamford, 153. will be objected, where the Bishop of Winchester was arraigned in this Court, because he departed the Parliament without license; there is but the opinion of Scroop, and the case was entered. P. 3. E. 3. 19. And it is to be observed, that the plea of the Bishop there, was never over-ruled. From this I gather, that Scroop was not constant to his opinion, which was iudain, being in the same Term in which the plea was entered; or if he were, yet the other Judges agreed not with him; and also at last the Bishop was discharged by the Kings writ. From this I gather, that the opinion of the Court was against the King, as in P. 20. in Fogassa's case, where the opinion of the Court was against the King, the party was discharged by privy Seal. 1 and 2 Phil. and Mar. hath been objected, where an Information in this Court was preferred against Mr. Ployden, and other Members of the House of Commons, for departing from the House without license. But in that case I observe these matters, (1) That this information depended during all the life of the Queen, and at last was fine die, by the death of the Queen. (2) In the said case, no plea was made to the Jurisdiction of the Court, as here it is. (3) Some of them submitted themselves to the fine, because it was easie, for it was but 53. 4d. But this cannot be urged as a president, because it never came in judgment, and no opinion of the Court was delivered therein. And it is no argument, that because at that time they would not plead to the jurisdiction, therefore we now cannot if we would. (4) These offences were not done in the Parliament House, but else-where by their absence, of which the Country may take notice; but not of our matters being done in Parliament. And absence from Parliament, is an offence against the Kings Summons to Parliament. 20 R. 2. Parliament-Roll 12. Thomas Hackley was indicted of high-treason in this Court, for preferring

a Petition in Parliament, but 1 H. 4. num. 90. he preferred a Petition to have this Judgment voided, and so it was, although that the King had pardoned him before. And 1 H. 4. numb. 104. all the Commons made Petition to the same purpose, because this tends to the destruction of their priviledges. And this was likewise granted, 4 H. 8. c. 8. *Strood's case*, That all condemnations imposed upon one, for preferring of any Bill, speaking, or reasoning in Parliament, are void. And this hath alwaies been conceived to be a generall Act, because the prayers, tune, words, and persons are generall, and the answer to it is generall; for a generall act is alwaies answered with, *Le Roy voit*, and a particular Act with *Soit droit fait al partyes*. And 33 H. 6. 17. 18. A generall Act is alwaies inrolled, and so this is.

2ly. For the second matter, the contempt to the command of the Adjournment, 18 Jac. it was questioned in Parliament, Whether the King can adjourn the Parliament, (although it be without doubt that the King can prorogue it) And the Judges resolve, that the King may adjourn the House by Commission; and 27 Eliz. it was resolved accordingly. But it is to be observed, that none was then impeached for moving that question. (2) It is to be observed, that they resolve, that the adjournment may be by Commission, but not resolved, that it may be by a verball command, signified by another; and it derogates not from the Kings prerogative, that he cannot so do, no more then in the case of 26 H. 8. 8. that he cannot grant one acre of land by parol. The King himself may adjourn the House in person, or under the great Seal, but not by verball message, for none is bound to give credit to such message; but when it is under the great Seal, it is *Telle Meiplo*, and if there was no command, then there can be no contempt in the disobedience of that command. (3) In this no contempt appears by the Information, for the Information is, That the King had power to adjourn Parliaments. Then put case the command be, that they should adjourn themselves; this is no pursuance of the power which he is supposed to have. The House may be adjourned two waies, to wit, by the King, or by the House it self; the last is their own voluntary act, which the King cannot compell, for, *Voluntas non cogitur*.

3ly. For the third matter, which is the Conspiracy: Although this be supposed to be out of the House, yet the Act is legall; for, Members of the House may advise of matters out of the House; for the House it self is not so much for consultations, as for proposition of them. And 20 H. 6. 34. is, that Enquests which are sworn for the King, may enquire of matters elsewhere. (2) For the Conspiracy to lay violent hands upon the Speaker, to keep him in the Chair; The House hath priviledge to detain him in the Chair, and it was but lightly and softly, and other Speakers have been so served. (3) The King cannot prefer an Information for trespass, for it is said, The King ought to be informed by a Jury, to wit, by indictment or presentment. (4) This cannot be any contempt, because it appears not, that the House was adjourned; and if so, then the Speaker ought to remain in the Chair, for without him, the House cannot be adjourned. But it may be objected, that the Information is, That all these matters were done maliciously and seditiously. But to this I answer, That this is alwaies to be understood according to the subject matter, 15 E. 4. 4. and 18 H. 8. 5. A wife that hath title to have Dower, agrees with an other

other to enter, (which hath right) that she against him may recover her Dower. This shall not be said Covin, because both the parties have right and title. (1) It will be objected, That if these matters shall not be punishable here, they shall be unpunished altogether, because the Parliament is determined. To this I say, That they may be punished in the subsequent Parliament, and so there shall be no failer of right. And many times matters in one Parliament, have been continued to another, as 4 E. 3. numb. 16. the Lord Barkley's case, 50 E. 3. numb. 185. 21 R. 2. c. 16. 6 H. 6. numb. 45, 46. 8 H. 4. numb. 12. Offences in the Forrest ought to be punished in Eyre, and Eyres oftentimes were not held, but every third year. C. 9. Epistle, and 36 E. 3. c. 10. A Parliament may be every year. Errour in this Court cannot be reversed but in Parliament. And yet it was never objected, that therefore there shall be a failer of Right. 25 E. 3. c. 2. If a new case of treason happen, which is doubtfull, it shall not be determine till the next Parliament. So in Westm. 2. c. 28. where a new case happens, in which there is no Writ, stay shall be made till the next Parliament. And yet in these cases, there is no failer of Right. And so the Judges have alwaies done in all difficult cases; they have referred the determination of them to the next Parliament, as appears by 2 E. 3. 6, 7. 1 E. 3. 8. 33 H. 6. 18. 5 E. 2. Dower, 145. the case of Dower of a Rent-charge. And 1 Jac. the Judges refuse to deliver their opinions concerning the union of the two Kingdoms. The present case is great, rare, & without president, therefore not determinable but in Parliament. And it is of dangerous consequence; for (1) by the same reason, all the Members of the House of Commons may be questioned. (2) The parties shall be disabled to make their defence, and the Clerk of Parliament is not bound to disclose those particulars. And by this means, the debates of a great Councill shall be referred to a petty Jury. And the parties cannot make justification, for they cannot speak those words here which were spoken in the Parliament, without slander. And the Defendants have not means to compell any to be witnesses for them; for the Members of the House ought not to discover the counsell of the House: So that they are debar'd of justification, evidence, and witnesse. Lastly, by this means, none will adventure to accuse any offender, in Parliament, but will rather submit himself to the common danger; for, for his pains he shall be imprisoned, and perhaps greatly fined: And if both these be unjust, yet the party so vexed can have no recompence. Therefore, &c.

The Court, The question is not now, whether these matters be offences, and whether true or false. But, admitting them to be offences, the sole question is, Whether this Court may punish them; so that a great part of your Argument is nothing to the present question.

At another day, being the next, Calthrop argued for Mr. Valentine, another of the Defendants.

1st. In generall, he said, for the nature of the crimes, that they are of four sorts.

1. In Matter.
2. In Words.
3. By Consent.
4. By Letters.

Mr. Calthrop's
Argument for
Mr. Valentine.

Two of them are laid to the charge of this Defendant, to wit, The crime of the Matter, and of Content. And of offences, Bracton makes some publick, some private. The offences here are publick. And of them, some are capitall, some not capitall, as a fault, conspiracy, and such like, which have not the punishment of life & death. Publick crimes capitall, are such as are against the Law of Nature, as treason, murder; I will agree, that if they be committed in Parliament, they may be questioned else-where out of Parliament. But in our case, the crimes are not capital, for they are assault & conspiracy, which in many cases may be justified, as appears by 22 H. 7. Keilw. 92. 2 ass. 3 H. 4. 10. 22 E. 4. 43. Therefore this Court shall not have jurisdiction of them, for they are not against the Law of Nations of God, or Nature. And if these matters shall be examinable here, by consequence all the actions of Parliament-men may be drawn in question in this Court. But it seems by these reasons that this Court shall not have jurisdiction as this case is :

1. 1st. Because these offences are justifiable, being but the bringing the Speaker to the Chair, which also perhaps was done by the Votes of the Commons; but if these matters shall be justified in this Court, no tryall can be; for upon issue of his own Wrong, he cannot be tried, because Acts done in the House of Commons are of Record, as it was resolved in the Parliament, 1 Jac. and 16 H. 7. 3 C. 9. 31. are, that such matters cannot be tried by the Country. And now they cannot be tried by Record, because, as 29 H. 8. Dy. 32. is, an inferiour Court cannot Write to a superiour. And no Certiorari lies out of the Chancery, to send this here by Mittimus, for there never was any president thereof; and the Book of the House of Commons, which is with their Clerk, ought not to be divulged. And C. Littl. is, that if a man be indicted in this Court for Piracy committed upon the Sea, he may well plead to the jurisdiction of this Court, because this Court cannot try it.

2. 2^{ly}. It appears by the old Treatise, de modo tenendi Parliamentum, that the Judges are but assistants in the Parliament; and if any words or acts are made there, they have no power to contradict or controul them. Then it is incongruous, that they, after the Parliament dissolved, shall have power to punish such words or acts, which at the time of the speaking or doing, they had not power to contradict. There are superiour, middle, and more inferiour Magistrates; and the superiour shall not be subject to the controule of the inferiour. It is a Position, that in pares est nullum imperium, multo minus in eos qui majus imperium habent. C. Littl. saies, that the Parliament is the supream Tribunal of the Kingdom, and they are Judges of the supream Tribunal; therefore they ought not to be questioned by their inferiours.

3. (3) The offences objected do concern the priviledges of Parliament, which priviledges are determinable in Parliament, and not else where, as appears by the presidents which have been cited before. (4) The common Law hath assigned proper Courts for matters, in respect of the place and persons; 1st. for the place, It appears by 11 E. 4. 3. & old Entries, 101. that in an Ejectione firme, it is a good plea, that the land is antient demesne, and this excludes all other Courts. So it is for land in Durham, old Entries, 419. for it is questionable there, & not out of the County. 2^{ly}. for persons, H. 15. H. 7. roll. 93. old Entries, 47. If a Clerk of the Chancery be impleaded in this Court, he may plead his priviledge, and shall not answer. So it is of a Clerk

of the Exchequer, old Entries, 473. then much more when offences are done in Parliament, which is exempt from ordinary jurisdiction, they shall nor be drawn in question in this Court. And if a man be Indicted in this Court, he may plead Sanctuary, 22 H. 7. Keilw. 91. and 22. and shall be restored, 21 E. 3. 60. The Abbot of Bury's case is to the same purpose. (5) For any thing that appears, the House of Commons had approved of these matters, therefore they ought not to be questioned in this Court. And if they be offences, and the said House hath not punished them, this will be a casting of imputation upon them. (6) It appears by the old Entries, 446, 447, that such an one ought to represent the Borough of St. Germans, from whence he was sent; therefore he is in nature of an Ambassadour, and he shall not be questioned for any thing in the Execution of his office, if he do nothing against the Law of Nature or Nations, as it is in the case of an Ambassadour. In the time of Queen Elizabeth, the Bishop of Rossie in Scotland, being Ambassadour here, attempted divers matters against the State; and by the opinion of all the Civilians of the said time, he may be questioned for those offences, because they are against the Law of Nations and Nature; and, in such matters, he shall not enjoy the privileges of an Ambassadour. But if he commit a civill offence, which is against the Municipall Law onely, he cannot be questioned for it, as Bodin. de Republica, agrees the case. Upon the Statute of 28 H. 8. c. 15. for tryall of Pirats, 13. Jac. the case fell out to be thus. A Jew came Ambassadour to the United Provinces, and in his journey he took some Spanishe ships, and after was driven upon this coast; And agreed upon the said Statute, that he cannot be tryed as a Pyrat here by Commission, but he may be questioned civiliter in the Admiralty: For, Legati suo Regi soli judicium faciunt. So Embassadours of Parliament, soli Parlamento, to wit, in such things which of themselves are justifiable. (7) There was never any president, that this Court had punished offences of this nature, committed in Parliament, where any plea was put in, as here it is to the jurisdiction of the Court; and where there is no president, non-usage is a good Expositor of the Law. Lord Littl. Section 180. Co. Littl. f. 81. saies, As Usage is a good interpreter of the Lawes, so Non usage, where there is no example, is a great intendment, that the Law will not bear it. 6 Eliz. Dy. 229. upon the Statute of 27 H. 8. of Inrolments, that bargain and sale of a House in London ought not to be enrolled; the reason there given is, because it is not used. 23 Eliz. Dy. 376. No error lies here of a Judgment given in the five Ports, because such writ was never seen; yet in the diversity of Courts it is said, That error lies of a Judgment given in the five Ports, 39 H. 6. 39. by Ashton, that a protection to go to Rome was never seen, therefore he disallowed it. (8) If this Court shall have Jurisdiction, the Court may give judgment according to Law, and yet contrary to Parliament Law, for the Parliament in divers cases hath a peculiar Law. Notwithstanding the Statute of 1 H. 5. c. 1. that every Burgesse ought to be resident within the Burrough of which he is Burgesse, yet the constant usage of Parliament is contrary therunto; and if such matter shall be in question before ye, ye ought to adjudge according to the Statute, and not according to their usage. So the House of Lords hath a speciall

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Camden's Brit.
449.

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Law also, as appears by 11 R. 2. the Roll of the Processe and Judgmen, (which hath been cited before to another purpose) where an appeal was not according to the one Law or th'other, yet it was good according to th' course of Parliament. (9) Because this matter is brought in this Court by way of Information, where it ought to be by way of Indictment. And it appears by 41 ass. p. 12. that if a Bill of Disceit be brought in this Court, where it ought to be by Writ, This matter may be pleaded to the Jurisdiction of the Court, because it is *vi & armis*, and *contra pacem*. It appears by all our Books, that informations ought not to be grounded upon surmises, but upon matter of Record, 4 H. 7. 5. 6 E. 6. Dy. 74. Information in the Exchequer, and 11 H. 8. Keilw. 101. are to this purpose. And if the matter be *vi & armis*, then it ought to be found by Enquest, 2 E. 3. 1, 2. Appeal shall not be grounded upon the Return of the Sheriff, but the King ought to be certified of it by Indictment, 1 H. 7. 6. and Stamf. f. 95. a. Upon the Statute of 25 E. 3. c. 4. that none shall be imprisoned but upon Indictment or Presentment; and 28 E. 3. c. 3. 42 E. 3. c. 3. are to the same purpose. So here, this Information ought to have been grounded upon Indictment, or other matter of Record, and not upon bare intelligence given to the King. (10) The present case is great and difficult, and in such cases, the Judges have alwaies outed themselves of Jurisdiction, as appears by Bracton, book 2. f. 1. Si aliquid novi non ulitatum in Regno acciderit, 2 E. 3. 6, 7. and Dower 242.

Now I will remove some objections which may be made.

1. Object.

Where the King is Plaintiff, it is in his election to bring his Action in what Court he pleases. This is true in some sense, to wit, That the King is not restrained by the Statute of Magna Charta, *Quod communia placita non sequantur Curiam nostram*; for he may bring his Quare impedit in B. R. And if it concerns Durham, or other County Palatine, yet the King may have his Action here; for the said Courts are created by Patent, and the King may not be restrained by Parliament, or by his own Patent, to bring his Action where he pleaseth. But the King shall not have his Action where he pleaseth against a prohibition of the Common Law, as 12 H. 7. Keilw. 6. the King shall not have a Formedon in Chancery. And C. 6. 20. Gregory's case, If the King will bring an Information in an inferiour Court, the party may plead to the Jurisdiction. So where the Common Law makes a prohibition, the King hath not election of his Court.

2. Object.

The Information is *contra formam Statuti*, which Statute, as I conceive, is intended the Statute of 5 H. 4. c. 6. and 11 H. 6. c. 11. which gives power to this Court to punish an assault, made upon the servant of a Knight of Parliament. But our case is not within those Statutes, nor the intent of them; for it is not intendible, that the Parliament would disadvantage themselves, in point of their privilege. And this was a trespassse done within the House by Parliament-men amongst themselves. And Crompton's Jurisdiction of Courts, f. 8. saith, That the Parliament may punish trespassses done there.

3. Object.

Precedents have been cited of Parliament-men, imprisoned and punished for matters done in Parliament. To this I say, That there is *Via juris*, and *via facti*; and *via facti* is not alwaies *via juris*, C. 4. 93. Precedents are no good directions, unlesse they be judiciall.

Others

Otherwise there will be a failure of Justice, wrongs shall be unpunished. To this I answer, That a mischief is oft-times rather sufferable than an inconvenience, to draw in question the privileges of Parliament. By the antient Common Law, as it appears by 21 E. 3. 23. and 21 ass. if an Infant bring an appeal, the Suit shall be stayed during his infancy, because the party cannot have his repall by Battail against the Infant; but the Law is now held otherwise in the said case. And in some cases, criminall offences shall be dispunished, 29 H. 8. Dy. 40. appeal of murder lies not for murder done in severall Countiees.

4. Object.

This Court of B. R. is coram ipso Rege, the King himself by interment is here in person. And as it is said, C. 9. 118. it is supremum Regni Tribunal, of ordinary Jurisdiction. But to this I say, that the Parliament is a transcendent Court, and of transcendent jurisdiction; It appears by 28 ass. p. 52. that the style of other Courts is coram Rege, as well as this is, as coram Rege in Cancellaria, coram Rege in Camera; and though it be coram Rege, yet the Judges give the Judgment. And in the time of H. 3. in this Court, some Countries were coram Rege; others, Coram Hugone de Bigod.

5. Object.

The privileges of Parliament are not questioned, but the conspiracies and misdemeanours of some of them. But to this I say, That the distinction is difficult and narrow in this case, where the offences objected are justifiable: and if they be offences, this reflects upon the House which hath not punished them.

6. Object.

The cases of 3 E. 3. 19. and 1 and 2 Phil. & Mar. have been objected. But for the last it is observable, that no plea was pleaded to the Jurisdiction, as it is in our case. And if a Parliament-man or other, which hath privilege, be impleaded in forraign Court, and neglect his plea to the Jurisdiction, the Court may well proceed 9 H. 7. 14. 36 H. 6. 34 H. 13 Jac. In this Court the Lord Norreys, that was a Peer of Parliament, was indicted in this Court for the murder of one Bigod, and pleaded his pardon. And there it was doubted, how the Court should proceed against him, (for he by the Law ought to have his Tryall by his Peers) And it was resolved, that when he pleads his pardon, or confesseth his fault, thereby he gives jurisdiction to the Court, and the Court may give Judgment against him. So that these cases, where it was not pleaded to the Jurisdiction, can be no precedent in our case.

7. Object.

The privilege here is not claimed by Prescription or Charter, therefore it is not good. But I say, that notwithstanding this, it is good; for where the common Law ousts a Court of Jurisdiction, there needs no charter or prescription, 10 H. 6. 13. 8 H. 8. Keilw. 189. Br. n. c. 515. Where Sanctuary of a Church is pleaded, there is no need to make Prescription, because every Church is a Sanctuary by the common Law. Therefore, &c.

8. Object.

Hearth, the Kings Atturney, the same day argued on the other side, but briefly. First, he answered to the objections which had been made.

Sir Rob. Heaths
Argument against
Sir John Elliot.

First, he said, That Informations might well be for matters of this nature, which are not capitall; and that there are many presidents of such Informations. (But note that he produced none of them)

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2 y. It hath been objected, That they are a Councill, therefore they ought to speak freely. But such speeches which here are pronounced, prove

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probe them not Counsellors of State, but Bedlams; the addition of one word would have made it Treason, to wit, Proditorie. But it is the pleasure of the King to proceed in this manner, as now it is. And there is great difference between Bills and Libells, and between their proceedings, as Counsell and as Mutinous.

3. 3ly. That it would be of dangerous consequence; for by this means, none would adventure to complain of grievances. I answer, They may make their complaints in Parliamentary manner, but they may not move things, which tend to distraction of the King and his Government.

4. 4ly. These matters may be punished in following Parliaments. But this is impossible, for following Parliaments cannot know, with what minde these matters were done. Also the House of Commons is not a Court of Justice of it self. The two Houses are but one Body, and they cannot proceed criminally to punish crimes, but onely upon their Members by way of imprisonment; and also they are not a Court of Record. And they have forbid their Clerk to make entry of their Speeches, but onely of matters of course; for many times they speak upon the suddain, as occasion is offered. And there is no necessity, that the King should expect a new Parliament. The Lords may grant Commissions to determine matters, after the Parliament ended; but the House of Commons cannot do so. And also a new House of Commons consists of new Men, which have no consulance of these offences. 1 H. 4. The Bishop of Carlile, for words spoken in the Parliament, that the King had not right to the Crown, was arraigned in this Court of high-treason; and then he did not plead his priviledge of Parliament, but said, That he was Episcopus unctus, &c.

5. 5ly. 4 H. 8. Sirode's case hath been objected. But this is but a particular act, although it be in print; for Rastall intitles it by the name of Sirode; so the title, Body, and proviso of the Act are particular.

6. 6ly. That this is an inferiour Court to the Parliament, therefore, &c. To this I say, That, even sitting the Parliament, this Court of B. R. and other Courts, may judge of their priviledges, as of a Parliament-man put in execution, &c. and other cases. It is true, that the Judges have oft-times declined to give their iudgment, upon the priviledges of Parliament, sitting the Court. But from this it followes not, that when the offence is committed there, and not punished, and the said Court dissolved, that therefore the said matter shall not be questioned in this Court.

7. 7ly. By this means the priviledges of Parliament shall be in great danger, if this Court may judge of them. But I answer, That there is no danger at all; for this Court may judge of Acts of Parliament.

8. 8ly. Perhaps these matters were done by the Votes of the House; or, if they be offences, it is an imputation to the House to say, that they had neglected to punish them. But this matter doth not appear. And if the truth were so, these matters might be given in evidence.

9. 9ly. There is no president in the case, which is a great presumption of Law. But to this I answer, That there was never any president of such a fact, therefore there cannot be a president of such a judgment. And yet in the time of Queen Elizabeth, it was resolved by Brown, and many other Justices, that offences done in Parliament may be punished out of Parliament, by imprisonment or otherwise. And the case

case of 3 E. 3. 19. is taken for good Law by Stamf. and Fitzh. And 22 E. 3. and 1 Mar. accord directly with it. But it hath been objected, that there was no plea made to the Jurisdiction. But it is to be observed, that Ployden, that was a learned man, was one of the Defendants, and he pleaded not to the Jurisdiction, but pleaded license to depart. And the said Information depended during all the Reigne of Queen Mary, during which time there were four Parliaments, and they never questioned this matter.

But it hath been further objected, That the said case differs from our case, because that there the offence was done out of the House, and this was done within the House. But in the said case, if license to depart be pleaded, it ought to be tryed in Parliament, as well as these offences here. Therefore &c.

And the same day the Judges spake briefly to the case, and agreed with one voice, That the Court, as this case is, shall have Jurisdiction, although that these offences were committed in Parliament.

After-

Afterwards the Parliament which met the 3d. of Novemb. 1640. upon Report made by Mr. Recorder Glyn, of the state of the severall and respective cases of Mr. Hollis, Mr. Selden, and the rest of the imprisoned Members of the Parliament, in tertio Caroli, touching their extraordinary sufferings, for their constant affections to the Liberties of the Kingdom, expressed in that Parliament; And upon Arguments made in the House thereupon, did, upon the 6th. of July, 1641. passe these ensuing Votes, which, in respect of the reference they have in these last mentioned proceedings, we have thought fit, though out of order of time, to insert, viz.

July the 6th. 1641.

1. Resolved upon the Question, that the issuing out of the Warrants from the Lords, and others of the Privy Councill, compelling Mr. Hollis, and the rest of the Members of that Parliament, 3. Car. during the Parliament, to appeare before them, is a breach of the priviledge of Parliament by those Privy Counsellours. B
 2. Resolved, &c. That the Committing of Mr. Hollis, and the rest of the Lords, and others of the Privy Councill; dureing the Parliament, is a breach of the priviledge of Parliament by those Lords and others.
 3. Resolved, &c. That the searching and sealing of the Chamber, Study, and Papers of Mr. Hollis, Mr. Selden, and Sir. John Eliot, being Members of this House, and dureing the Parliament, and issuing of warrants to that purpose, was a breach of the priviledge of Parliament, and by those that executed the same. C
 4. Resolved, &c. That the exhibiting of an Information in the Court of Star-Chamber, against Mr. Hollis and the rest, for matters done by them in Parliament, being members of Parliament, and the same so appearing in the Information; is a breach of the priviledge in Parliament.
 5. Resolved, &c. That Sir Robert Heath, and Sir Humphrey Davenport, Sir Hennage Finch, Mr. Hudson, and Sir Robert Berkly, that subscribed their names to the Information, are guilty thereby of the breach of priviledge of Parliament. D
 6. Resolved, &c. That there was delay of Justice, towards Mr. Hollis and the rest that appeared upon the Ha. Corp. in that they were not bayled in Easter and Trinity Term. 5. Car.
 7. Resolved, &c. That Sir Nicholas Hide, then chief Justice of the Kings Bench, is guilty of this delay.
 8. Resolved, &c. That Sir William Jones then being one of the Justices of the Court of Kings Bench is guilty of this delay. E
 9. Resolved, &c. That Sir James Whitlock Knight, then one of the Justices of the Court of Kings Bench is not guilty of this delay.
- Ordered, That the further debate of this shall be taken into Consideration on to morrow Morning.

July the 8th. 1641. F

10. Resolved upon the Question, That Sir George Crook Knight, then one of the Judges of the Kings Bench is not guilty of this delay.
11. That the continuance of Mr. Hollis and the rest of the Members of Parliament, 3. Car. in Prison, by the then Judges of the Kings Bench for

for not putting in sureties of the good behaviour, was without just or legall cause.

That the exhibiting of the Information against Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine* in the Kings Bench, being members of Parliament, for matters done in Parliament, was a breach of the priviledge of Parliament. 12.

A That the over-ruling of the plea, pleaded by Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, upon the Information to the Jurisdiction of the Court, was against the Law, and priviledge of Parliament. 13.

That the Judgement given upon a *Nihil dicit*, against Mr. *Hollis*, Sir *John Eliot*, and Mr. *Valentine*, and fine thereupon imposed, and their severall imprisonments thereupon, was against the Law, and priviledge of Parliament. 14.

B That the severall proceedings against Mr. *Hollis*, and the rest, by committing them, and prosecuting them in the Star-Chamber and in the Kings Bench, is a grievance. 15.

That Mr. *Hollis*, Mr. *Stroud*, Mr. *Valentine*, and Mr. *Long*, and the heires and Executours of Sir *John Eliot*, Sir *Miles Hubbard*, and Sir *Peter Heyman*, respectively ought to have reparation for their respective dammages and sufferings, against the Lords and others of the Councill, by whose warrants they were apprehended and committed, and against the Councill that put their hands to the Information in the Star-Chamber, and against the Judges of the Kings Bench. 16.

C That Mr. *Lawrence Whitaker*, being a Member of the Parliament, 3 *Car.* entring into the Chamber of Sir *John Eliot*, being likewise a Member of the Parliament, searching of his Trunck and Papers, and sealing of them, is guilty of the breach of the priviledge of Parliament, this being done before the dissolution of Parliament. 17.

Resolved upon the question, That Mr. *Lawrence Whitaker*, being guilty of the breach of the priviledges, as aforesaid, shall be sent forthwith to the *Tower*, there to remain a prisoner during the pleasure of the House. 18.

D Mr. *Whitaker* was called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him accordingly.

E Mr. *Whitaker* being at the Bar, did not deny, but that he did search and seal up the Chamber, and Trunck, and Study, of Sir *John Eliot*, between the second and tenth of *March*, during which time the Parliament was adjourned: But endeavoured to extenuate it, by the confusion of the times, at that time; the length of the time since the crime was committed, being thirteen years; the command that lay upon him, being commanded by the King and twenty three Privy Counsellors.

Afterwards Mr. Recorder Glin made a further Report to the House of Commons, viz.

F HE likewise reported the state of the case, concerning the losses, dammages, sufferings, & imprisonments, sustained and undergone by Mr. *Vassell*, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Vote of this House. The Warrant, which issued and was subscribed by twelve Privy Counsellors, to summon nine of the Members of the House of

Commons, in the Parliament of *tertio Caroli*, to appear before them during the Parliament: viz. Mr. *William Stroud*, Mr. *Benjamin Valentine*, Mr. *Hollis*, Sir *John Eliot*, Mr. *Selden*, Sir *Miles Hobert*, Sir *Peter Heyman*, Mr. *Walter Long*, and Mr. *William Coriton*; bearing date, *tertio Martii quarto Caroli*; and the names of the twelve Privy Counsellors that signed this Warrant were read. The Parliament being adjourned the second of *March* to the tenth of *March*, and then dissolved.

The Warrants under the hands of sixteen Privy Counsellors, for committing of Mr. *Denzill Hollis*, Sir *John Eliot*, Mr. *John Selden*, Mr. *Benjamin Valentine*, and Mr. *William Coriton*, close prisoners to the Tower, bearing date, *Quarto Martii quarto Caroli*, during the Parliament, were read. And the names of the Privy Counsellors that subscribed them, were read. The Warrants under the hands of twenty two Privy Counsellors, directed to *William Boswell Esq;* to repair to the lodgings of *Denzil Hollis Esq;* and to *Simon Digby Esq;* to repair to the lodgings of Mr. *John Selden*, and to *Lawrence Whitaker Esq;* to repair to the lodgings of Sir *John Eliot*, requiring them to seal up the Trunks, Studies, and Cabinets, or any other thing that had any Papers in them, of the said Mr. *Hollis*, Mr. *John Selden*, and Sir *John Eliot*, were read; and likewise the names of the Privy Counsellors that subscribed the said Warrants. A Warrant under the hands of thirteen Privy Counsellors, for the commitment of Mr. *William Stroud* close prisoner to the *Kings Bench*, bearing date, 2d. *April*, 1628. was read, and the names of the Privy Counsellors that subscribed it: The like Warrant was for the commitment of Mr. *Walter Long* close prisoner to the *Marshall-sea*.

The humble Memoriall of the losses, dammages, sufferings, and imprisonments, sustained and undergone by Alderman *Richard Chambers*, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Vote of this House, was this day read.

Ordered, that it be referred to the Committee for the Members of *tertio Caroli*, where Mr. Recorder hath the Chair; and the Committee of the Navy, joyned as to this businesse; to consider of the Memoriall of the losses, dammages, sufferings, and imprisonments, sustained and undergone by Alderman *Richard Chambers*, for his denying to betray the Liberty of the Subject, in paying the illegall Tax of Tunnage and Poundage, (not granted by Act of Parliament) in obedience to a Declaration and Order of this House. And the Committee are to make report on *Munday* fortnight.

Resolved, &c. That Mr. *Hollis* shall have the sum of five thousand pounds, for his dammages, losses, imprisonments, and sufferings, sustained and undergone by him, for his service done to the Commonwealth in the Parliament of *tertio Caroli*.

Resolved, &c. That Mr. *John Selden* shall have the sum of five thousand pounds, for his dammages, losses, imprisonments, and sufferings, sustained and undergone by him for his service done to the Commonwealth, in the Parliament of *tertio Caroli*.

Resolved, &c. That the sum of five thousand pounds be assigned for the dammages, losses, imprisonments, and sufferings, sustained and undergone by Sir *John Eliot*, for his service done to the Commonwealth in the Parliament of *tertio Caroli*, to be disposed of in such manner, as this House shall appoint.

Resol-

Resolved, &c. That the sum of two thousand pounds, part of four thousand pounds, paid into the late Court of *Wards and Liveries*, by the heires of Sir *John Eliot*, by reason of his marriage with Sir *Daniel Norton's* daughter, shall be repaid to Mr. *Eliot*, out of the arrears of monies payable into the late Court of *Wards and Liveries*, before the taking away of the said late Court.

A Ordered, that it be referred to the Committee who brought in this Report, to examine the Decree made in the late Court of *Wards and Liveries*, concerning the marriage of Sir *John Eliot's* heir with Sir *Daniel Norton's* daughter; and what monies was paid by reason of the said Decree, and by whom; and to report their opinions thereupon to the House.

Ordered, That it be referred to the Committee of the Tower to examine after what manner Sir *John Eliot* came to his death, his usage in the Tower, and to view the roomes and places where he was imprisoned, and where he dyed, and to report the same to the House.

B Resolved, &c. That the sum of five thousand pounds shall be paid unto the of Sir *Peter Heyman*, for the damages, losses, sufferings, and imprisonments, sustained and undergone by Sir *Peter Heyman*, for his service done to the Common-wealth in the Parliament in *tertio Caroli*.

C Resolved, &c. That Mr. *Walter Long* shall have the sum of five thousand pounds paid unto him, for the damages, losses, sufferings, and imprisonment sustained and undergone by him, for his service done to the Common-wealth in the Parliament of *tertio Caroli*.

Resolved, &c. That the sum of five thousand pounds shall be assigned, for the damages, losses, sufferings, and imprisonment, sustained and undergone by Mr. *Strode* (late a member of this House) deceased, for service done by him to the Common-wealth, in the Parliament of *tertio Caroli*.

D Resolved, &c. That Mr. *Benjamin Valentine* shall have the sum of five thousand pounds paid unto him, for the damages, losses, sufferings, and imprisonments sustained and undergone by him for his service done to the Common-wealth, in the Parliament of *tertio Caroli*.

Resolved, &c. That the sum of five hundred pounds shall be bestowed and disposed of, for the erecting a Monument to Sir *Miles Herbert*, a Member of the Parliament of *tertio Caroli*, in memory of his sufferings for his service to the Common-wealth in that Parliament of *tertio Caroli*.

E Resolved, &c. That Mr. *Samuel Vassell* shall have the sum of ten thousand four hundred forty five pounds twelve shillings two pence paid him, for his losses and damages sustained, for denying to pay Tunnage and Poundage, (not granted by Act of Parliament) in pursuance and obedience to a Declaration and Vote of this House.

Resolved, &c. That this House doth declare, that they will in due time take Mr. *Vassell* into further consideration, for his imprisonment and personall sufferings.

F Ordered, That it be recommitted to the Committee, who brought in this Report to consider, how the severall sums of money this day ordered to be paid, for damages to the severall Members, and others before named, for their sufferings in the service of the Common-wealth, may be raised.

FINIS.

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Histoire de l'entre de la Royne Mere du Roytres Chrestien dans les Provinces Unies des pays bas avec des Figures. Histoire de l'entre de la Royne Mere du Roytres Chrestien dans la Grande Bretagne avec des Figures par le Sieur de la Serre, Historiographe. Folio.

E

Ad Severissimum Jacobum primum Britanniarum Monarcham, Ecclesie Scoticanæ libellus supplicis, Autore Jacobo Melvino. Quarto.

Polycarpi & Ignatii Epistole unâ cum vetere vulgata interpretatione Latina, ex trium Manu scriptorum codicum collatione, integritati sue restituta: quibus præfixa est Jacobi Usserii Archiepiscopi Armachani dissertatio. Quarto

Appendix Ignatiana in qua continentur, 1. Ignatii Epistole Genuinæ, 2. Ignatii Martyriam à Philone Agathopode & aliis descriptum, 3. Tiberiani, Plinii Secundi, & Trajani imp. de Constantia Martyrum illius temporis Epistole, 4. Smyrnenfis Ecclesie de Polycarpi Martyrio Epistola. 5. In Ignatii & Polycarpi Acta, atque

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in Epistolas etiam Ignatio perperam adscriptas Annotationes Jacobi Usserii Armachani. Quarto.

ΚΑΗΜΕΝΤΟΣ ΠΡΟΣ ΚΟΡΙΝΘΙΟΥΣ ΕΠΙΣΤΟΛΗ ΠΡΩΤΗ: Clementis ad Corinthios Epistola Prior. Patritius Junius ex latere Reliquiis vetustissimi exemplaris Bibliothecæ Regiæ, eruit. Quarto.

Purchas his Pilgrim Microcosmus, or the History of Man, relating the wonders of his Generation, Vanities in his Degeneration, necessity of his Regeneration; meditated on the words of David, Psal. 39. 5. By Samuel Purchas. Octavo.

Saint Augustine his Enchyridion to Laurence, or the cheif and principal Heads of all Christian Religion, the Second Edition. Twelves.

Théologia Naturalis, sive liber Creaturarum specialiter de homine & de Natura ejus, in quantum homo & de his quæ sunt ei necessaria ad cognoscendum Deum & seipsum, & omne debitum ad quod homo tenetur & obligatur tam Deo quàm proximo. Authore Raymundo de Sabunde, Octavo.

Frederici Spanhemii Epistola ad Nobilissimum Virum Davidem Buchananum, super controversiis quibusdam quæ in Ecclesiis Anglicanis agitantur. Octavo.

The Works of Edward Reynolds, D. D. containing three Treatises, of the Vanity of the Creature, Sinfulness of Sin, the Life of Christ. An Explication of Psal. C X. Meditations on the Sacrament of the Lords Supper. An Explication of the Fourteenth Chapter of Hosea. A Treatise of the Passions and Faculties of the Soul. Collected in Folio.

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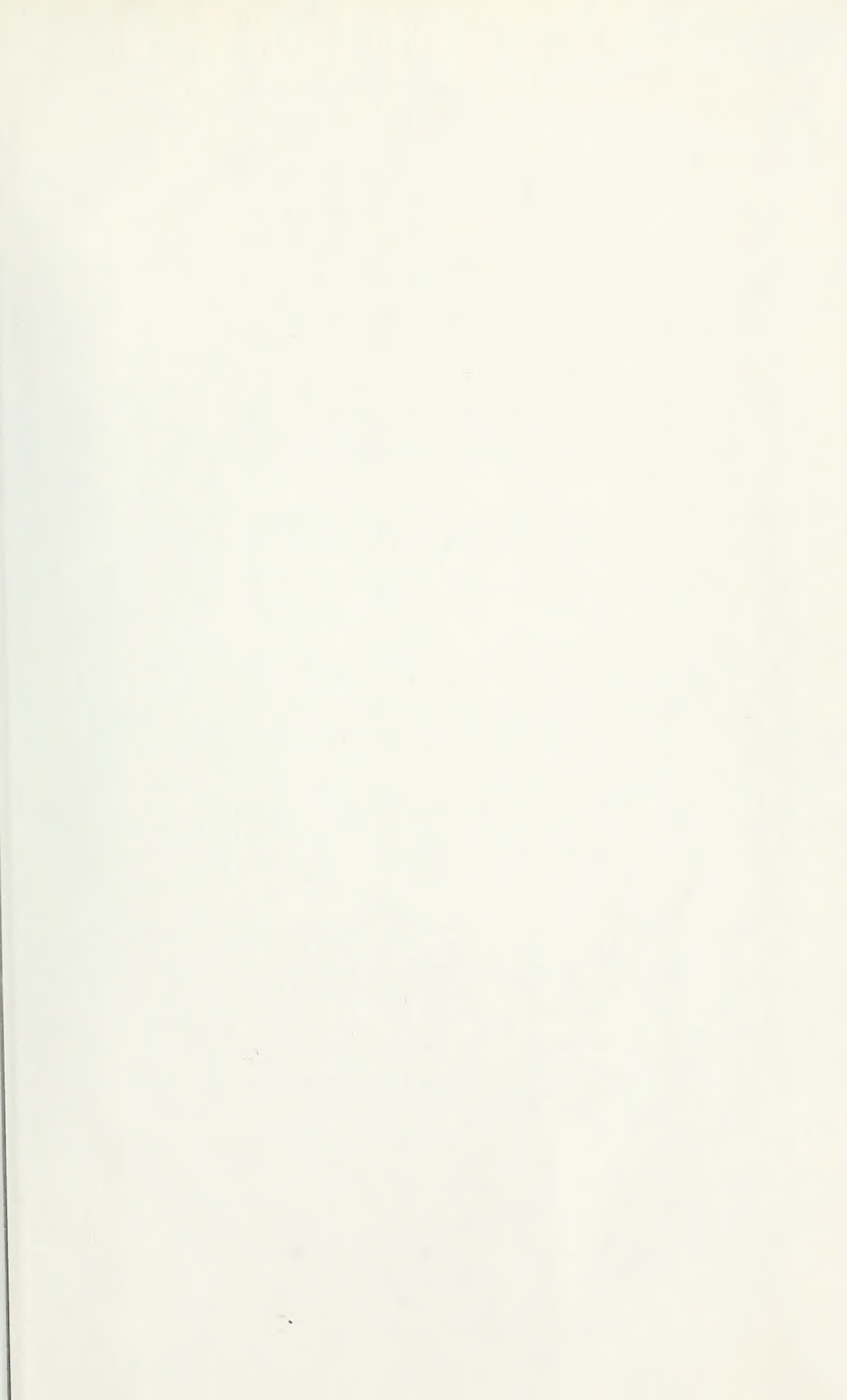
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